By Mr. MORRIS K. UDALL:

H.R. 10929. A bill to authorize the Secretary of the Interior to exchange certain lands in the State of Arizona; to the Committee on Interior and Insular Affairs.

By Mr. ASHLEY:

H.J. Res. 672. Joint resolution to temporarily suspend the authority of the Interstate Commerce Commission to approve consolidations, unifications, or acquisitions of control of railroad properties; to the Committee on Interstate and Foreign Commerce.

By Mr. FALLON:

H. Con. Res. 455. Concurrent resolution designating the week of May 20 to May 26, 1962, as "National Highway Week"; to the Committee on the Judiciary.

By Mr. HOEVEN:

H. Con. Res. 456. Concurrent resolution to insure equal rights and self-determination for the peoples of Latvia, Lithuania, and Estonia; to the Committee on Foreign Affairs.

By Mr. ROOSEVELT:

H. Con. Res. 457. Concurrent resolution providing for printing as a House document the script, "Autopsy on Operation Abolition"; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States relative to requesting the enactment of a bill which legalizes the use of wiretapping evidence in courts; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States relative to House Memorial No. 4, requesting that evidence be submitted relating to an allegation that a few thousand Communists are concentrated in key departments of the Government; to the Committee on Un-American Activities.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation providing medical care for the elderly through social security financing; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. COLLIER introduced a bill (H.R. 10930) for the relief of Thomas Argyris, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

260. By Mr. DOOLEY: Resolution of the Council of the City of New Rochelle, N.Y., requesting the U.S. Government to cede Davids Island (Fort Slocum) to the city of New Rochelle upon the discontinuance of its use by the U.S. Army; to the Committee on Armed Services.

261. By the SPEAKER: Petition of Arthur G. Boyd, executive secretary, California State Board of Agriculture, Sacramento, Calif., relative to price supports for milk; to the Committee on Agriculture.

262. Also, petition of Marian S. Irvin, city clerk, Bakersfield, Calif., relative to opposing the taxation of interest on bonds for public improvements; to the Committee on the Judiciary.

SENATE

MONDAY, MARCH 26, 1962

(Legislative day of Wednesday, March 14, 1962)

The Senate met at 9 o'clock a.m., on the expiration of the recess, and was called to order by the Honorable LEE METCALF, a Senator from Montana.

Rev. R. B. Culbreth, D.D., pastor of Metropolitan Baptist Church, Washington, D.C., offered the following prayer:

Eternal God, our Heavenly Father, our heads and hearts are bowed in Thy presence today, because Thou art the Almighty Sovereign Ruler of this universe. We acknowledge our limitations, and plead our need for Thy assistance. We invoke Thy spirit to enter our minds and give us wisdom to make right decisions. Make us bigger than our differences, wiser than our enemies, and firm believers in the power that comes from Thee. We pray Thy blessings today upon our President and Vice President, our Senators, and all Congressmen.

O, our Father, may we ever remember that the right to rule is a gift from Thee, and that we are responsible to Thee for all our actions. We acknowledge our weaknesses and common failures, and ask that in Thy divine mercy forgiveness may be ours. Give to us an assurance of Thy presence today. As Thou didst move upon the face of waters, move our hearts to wisdom and understanding, love and truth, honesty and honor, good will toward men, patience in well-doing, and true gladness of heart. We pray in Jesus' name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 26, 1962.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. LEE METCALF, a Senator from the State of Montana, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. METCALF thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, March 24, 1962, was dispensed with.

ORDER FOR RECESS TO 9 O'CLOCK A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate finishes its business today, it stand in recess until 9 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON REVIEW OF CONTRACTING FOR REBUILD OF TRACK SHOE ASSEMBLIES FOR COMBAT VEHICLES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of contracting by the Ordnance Corps, Department of the Army, for rebuild of track shoe assemblies for combat vehicles, dated March 1962 (with an accompanying report); to the Committee on Government Operations.

REPORT ON COMPILATION OF GENERAL ACCOUNTING OFFICE FINDINGS AND RECOMMENDATIONS FOR IMPROVING GOVERNMENT OPERATIONS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the compilation of General Accounting Office findings and recommendations for improving Government operations, fiscal year 1961 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of New York; to the Committee on Public Works:

"RESOLUTION 49

"Concurrent resolution memorializing Congress to authorize a review of plans for the multipurpose development of the Genesee River Basin

"Whereas it is the public policy of the United States and of the State of New York to undertake the multipurpose planning and development of river basins in the interest of flood control, navigation, water supply, pollution abatement, irrigation, soil conservation, recreation, fish and wildlife management, and other related water and land uses; and

"Whereas the Genesee River is one of the most important and valuable natural resources in Eastern United States; and

"Whereas the Genesee River Basin, except for small areas tributary to its headwaters, lies in the State of New York and contributes greatly to all facets of the economy of the State; and

"Whereas studies undertaken by the Temporary State Commission on Water Resources Planning of the State of New York, in cooperation with the water resources commission, in the State conservation department, have indicated a recognized public need for the prompt planning and development of the water and land resources of the Genesee River Basin; and

"Whereas these studies recognize that many of the areas within the basin have water needs requiring the development of new or additional sources of public water supply; that flooding, erosion, and drainage problems exist and require corrective action in at least half of the basin; that a need for irrigation water exists in several areas of the basin; that the creation of additional water supplies is necessary to retain existing industries within the basin and to attract new industries; that pollution of the Genesee River and its tributaries is a problem constituting a waste of a valuable natural resource which should be abated and controlled; and that the proximity of the basin

to large metropolitan areas makes it suitable for all types of recreational development; and

"Whereas the United States heretofore has caused studies and surveys of the Genesee River to be made by the Corps of Engineers which filed reports, including those contained in House Document No. 615, 78th Congress, 2d session, embracing basinwide plans for improvement of flood control, navigation, and other related water and land resources; and

"Whereas the United States has constructed on the Genesee River at Mount Morris a reservoir and dam for the single purpose of flood control; and

"Whereas, the United States, as a result of its studies and activities, has amassed a great amount of technical, scientific, and other data relating to the Genesee River Basin; and

"Whereas the State of New York desires to cooperate with the United States in furthering a study for a broad plan for the multipurpose development and use of the water and land resources of the Genesee River Basin: Now, therefore, be it

"Resolved (if the assembly concur), That the Legislature of the State of New York hereby respectfully memorializes the Congress of the United States to take the necessary steps to request the Board of Engineers for Rivers and Harbors, created under the River and Harbor Act, to review reports on the Genesee River, N.Y., contained in House Document No. 615, 78th Congress, 2d session, and any other reports, with a view of determining whether any modification of the basinwide plans should be made at this time with respect to improvements for flood control, navigation, and other related water and land resources, and to require the Corps of Engineers, in making the study, to coordinate fully with the State of New York, and other Federal agencies concerned, to insure full consideration of all views on, and requirements of, all interrelated matters which those agencies may develop with respect to programs for flood prevention, water supply, stream pollution abatement, recreation, fish and wildlife management, irrigation, soil conservation, and related water and land resources; and be it further

"Resolved (if the assembly concur), That copies of this resolution be sent to the Secretary of the Senate, the Clerk of the House of Representatives of the Congress of the United States, and to each Member thereof from the State of New York.

"By order of the senate:

"JOHN J. SULLIVAN,
"Secretary."

A resolution adopted by the Council of the City of Niagara Falls, N.Y., favoring the enactment of legislation to provide funds to prevent floods in the upper Niagara River; to the Committee on Appropriations.

A resolution adopted by the City Council of the City of Long Beach, Calif., expressing opposition to the imposition of a Federal income tax on income from State and local bonds; to the Committee on Finance.

The memorial of Hugh F. O'Neil, of Ogden, Utah, remonstrating against the purchase of bonds of the United Nations, and the withdrawal from that organization; to the Committee on Foreign Relations.

Resolutions adopted at the State Conference of the Daughters of the American Revolution of Michigan, at Detroit, Mich., relating to the Sleeping Bear Dunes National Park, Mich., and so forth; to the Committee on Interior and Insular Affairs.

TAX BILL HITS OLDSTERS

Mr. KUCHEL. Mr. President, for the past 2 years, I have vigorously opposed any tampering with the present dividend credit and exclusion provisions of our internal revenue law. It is the only relief—and woefully small, at that—against two tax bites out of the same profit dollar. The average person, through savings and investment, is endeavoring to help himself prepare for greater independence in the years of retirement. We ought not penalize the efforts of self-help.

I oppose, too, the request of the administration to withhold income of this type at its source. The withholding provision incorporated in the House Committee on Ways and Means version of the Revenue Act of 1962 carries with it elements of inequity and of inequality. Many depositors and shareholders—the great majority of whom are persons of modest income—will be unjustly denied, through withholding, the use and the possible expansion of their dividends and interest. Mr. President, the redtape of refund procedures is a frustrating thing.

Furthermore, the quarterly refund is a cumbersome method by which to attempt restitution. As the House minority report pointed out:

It will produce both massive withholding and administrative chaos.

This legislation will most affect those who are in the modest income brackets and who are retired and live off income which they have set aside during their earning years.

The Los Angeles Herald-Examiner has brought this matter to the attention of its readers, in a recent excellent editorial entitled "Tax Bill Hits Oldsters," and also in a news article entitled "Protest 20-Percent Dividend, Interest Tax," which was published on March 13. I ask unanimous consent that the editorial and the article be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the editorial and the article were ordered to be printed in the RECORD, as follows:

[From the Los Angeles (Calif.) Herald-Examiner, Mar. 1, 1962]

TAX BILL HITS OLDSTERS

A new Federal tax bill which already has cleared the hurdle of the House Ways and Means Committee threatens to affect millions of Americans, especially those in the retirement or old-age bracket.

In the tax bill will be included a new system of tax withholding on dividends and most interest.

As Herald-Examiner financial columnist Leslie Gould puts it:

"There are around 3 million 65 years and older shareowners. These are the ones who will be hardest—and unfairly—hit by the dividend withholding. This income may be their major source of revenue, but they may have to wait to collect all of it.

In southern California, where so many thousands of retired couples have come to live out their declining days, the problem will be particularly acute.

The Government's principal purpose in urging the new withholding plan is praiseworthy.

The administration has stated its belief that the plan will net millions of taxpayers who have been "forgetting" to declare dividends and interest. Thus the Federal Treasury will be greatly enriched, and other honest taxpayers will not be stuck so heavily in the future.

However, there is another phase which must be considered.

If money due the taxpayer is withheld from him for a year or more, this means that the taxpayer will be deprived of the use of that money which he normally would have received as soon as the bank or corporation paid it.

The old people, the pensioners and the families which have retired with a little nestegg which emphasizes income from dividends and interest must not be bypassed or forgotten in the rush to get some extra bucks for Uncle Sam.

This new control over personal incomes would start at the rate of 20 percent earned through interest or dividends. The taxpayer, however, still has the privilege of applying for a refund if he can prove that he paid more taxes than he owed.

Under the plan, children under 18 could obtain exemption from withholding taxes on their savings accounts by filing statements with their savings institutions. Taxpayers 65 and older who expect to have no tax liability at the end of the year also could file statements with their savings institutions.

However, there would be no exemptions from withholding taxes on dividends. Stockholders anticipating no income tax liability at the end of the year could claim the withheld taxes by applying to the Treasury as often as four times a year.

The oldsters, of course, would be penalized because they would be deprived of 20 percent of the dividends cash they had been receiving. And even though they could apply for refunds as often as four times a year, what would that mean?

For those too weary almost to get to grocery stores or drugstores, it would be a heavy chore to be constantly filing refund claims. Also, with typical official redtape, how soon would they be paid these refunds?

[From the Los Angeles (Calif.) Herald-Examiner, Mar. 13, 1962]

HOUSE UNIT GETS HUGE PETITION—PROTEST 80-PERCENT DIVIDEND, INTEREST TAX

(By Barbara Kober)

WASHINGTON, March 13.—A petition in opposition to legislation for a withholding tax on dividends and interest has been presented to the House Ways and Means Committee by the Investors League.

William Jackman, president of the league, estimated more than 5 million signatures have poured in from all over the United States.

He said the petitions give "sufficient evidence that the American public views as unfair and unwarranted a withholding of tax on dividends and interest. A tax which will take one-fifth of the small income of so many Americans who will really need this for their living."

The signatures were obtained through petitions circulated by the league and by individuals and also through forms printed in newspapers throughout the country.

The petition said the proposal now before Congress tends "to destroy individual investment incentive and saving by establishing a 20-percent withholding tax on dividend and savings income."

It called upon Members of Congress to reject the proposals on behalf of the millions of voting citizens and investors in America.

A TRUCKLOAD

Representative MASON, Republican, of Illinois, ranking member of the House Ways and Means Committee, received the truckload of telegrams, letters, and petitions.

Jackman said if the withholding tax bill is passed in the House and sent to the Senate, his organization will then present the petitions to the Senate Finance Committee.

Senator CURTIS, Republican, of Nebraska, a member of the Senate group, was ready

to receive the petitions if that move should become necessary.

PAPERS AIDED

All together about 30 newspapers printed the petition Jackman said. Some were advertisements paid for by the league. Others were paid for by the community and others by the newspaper itself.

One paper, in a small town in Pennsylvania, used a full page ad along with an editorial opposing the withholding tax legislation.

Jackman said the signatures represent the opinion of the American people that "Federal withholding tax on dividends and interest is just the start of further Government encroachment on private income."

DEDICATION OF POINT LOMA SALINE WATER CONVERSION PLANT—ADDRESS BY SENATOR KUCHEL

Mr. KUCHEL. Mr. President, I think one of the great accomplishments of the Congress in the last several years was the enactment into law of a bill authorizing construction of full-scale saline water conversion plants. I was very glad in the Senate to have coauthored legislation of this kind.

Several days ago, in San Diego, Calif., suitable dedication ceremonies were conducted at the Point Loma saline water conversion plant located there. I made some comments on that occasion, and I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KUCHEL

Secretary Udall, Governor Brown, Mayor Dail, and fellow Californians, I am delighted to be present at these dedication ceremonies which typify man's resolve to apply all the imagination, skill, and perseverance he possesses to finding answers to problems which challenge us in many ways. On this occasion, we are celebrating a heartwarming example of close cooperation by Federal, State, and local governments, private industry, and scientific agencies to meet one extraordinary and serious challenge.

This saline water conversion plant, the only one on the Pacific coast and built under a law which I was proud to cosponsor, represents a significant milestone in a long endeavor to assure continued progress and improved living conditions for our own people. But it has far more meaning because of the fundamental fact that water is even more necessary than food to human existence and survival.

Water can be an invaluable tool in forging a reliable and just peace around the globe. Adequate supplies will promote the development of newly emerging independent nations and relieve the pressures of exploding world populations.

America is, indeed, fortunate in having the sea around much of its perimeter. We find hope for the future in the fact that 24 of our 50 States have tidal shorelines. A tremendous untapped resource is at the doorstep of many highly productive agricultural and industrial areas and adjacent to a large number of our fastest growing concentrations of people.

The vital importance of fresh water is widely appreciated by California. Our citizens realize the essential role it played in our past development and they appreciate we must guarantee adequate supplies if we are to continue growing. They assumed unprecedented obligations to undertake such imposing works as nearby Hoover Dam and the All-American Canal, the vast Central Valley project still being expanded to meet demands of the future, and the first breathtaking phase of the California water plan on the distant Feather River.

The urgency of engaging in such ventures and of embarking on a program such as this Point Loma installation will carry on is driven home by the findings of the Select Senate Committee on Natural Water Resources of which I was vice chairman. Our final report warned that America's gross water requirements will double by 1980 and will triple by the start of the next century. We measured carefully the distribution of water resources and came to the inescapable conclusion that bold action is imperative to make sure that water shortages do not control the future destiny of our Nation.

For this reason, an unremitting effort to perfect methods and processes of desalinization is necessary and desirable. Surface and ground water will continue, of course, to be for a long period the principal supply sources for our homes, factories, and farms. But to remedy the lamentable imbalance of resources provided by nature, we must strive diligently and persistently to conserve and expand these supplies through purification, prevention of pollution, and conversion, as well as by impoundment and conveyance over long distances.

In the application of scientific and technical tools to this problem, cost is an inescapable factor. I am dismayed that skeptics in some places regard this consideration as a possibly insurmountable barrier. On the contrary, it is encouraging and deserving of emphasis that the increased efficiency and expanded knowledge gained through laboratory research and experimentation have slashed the cost by 400 percent. Even more meaningful is the sensational improvement in quality, as evidenced by the promise this Point Loma plant's output will be 99.995 percent pure.

To those of faint hope, let me observe that while the present cost of water from conversion is nearly three times that of surface supplies, today's price of approximately $1 to $1.25 per thousand gallons is far below the figure of $5 when our research program was launched.

California has a concrete example of the benefits from such efforts in the parched city of Coalinga on the west side of the San Joaquin Valley. While still forced to limit consumption severely, that hard-pressed community placed in operation a scientific conversion process to escape the necessity and the expense of importing potable water in tank cars. The scientific advances made possible by research sponsored by our Federal Government now provide those California residents with water at one-fifth its former price.

Who can fail to regard an investigation and experimentation program making possible such action as anything but a worthwhile investment? Certainly relief of the sort enjoyed by Coalinga warrants pressing forward and holds out a promise worth seeking.

Where no adequate surface supplies are available on an economically or engineeringly feasible basis, desalinization may become the primary source of water. For specialized agriculture, technological processes may hold the key to life. For colonization of arid areas abounding in mineral resources, conversion can point the way.

An adequate supplemental supply of good quality fresh water, such as the million gallons daily this plant will pour into the San Diego system, can eventually mean relief from worry. The operation may yield knowledge of ways to cut costs and thus constitute a gigantic stride on the road to sufficiency.

Such facts caused me to support enthusiastically several pieces of legislation referred to our Interior and Insular Affairs Committee to extend and broaden our research program and to authorize this and four other installations to conduct full-scale tests and demonstrations. The facility we are putting "on stream" here today is a tangible expression of faith and zeal in our endeavors to preserve and expand freedom for mankind and to rectify the shortcomings of nature.

So it is an honor to take part in this meaningful event and a privilege to be associated with such an enterprise.

IMPORTANCE OF WILDLIFE REFUGES IN PACIFIC COAST FLYWAY—ADDRESS BY SENATOR KUCHEL

Mr. KUCHEL. Mr. President, last year I introduced legislation which would give congressional sanction to the Tule Lake Wildlife Refuge Area, in California and Oregon. This proposal has been approved by every conservation group in America; it has been approved by the State governments; it has been approved by the Federal Department of the Interior.

Over the last half century the refuge for migratory waterfowl in the Pacific coast flyway has been handled simply by Executive decree. It is now believed that it is in the interest of sound conservation to have the Congress of the United State by statute give protection to that area; and I hope the bill I have introduced—now pending before the Senate Interior Committee—will receive committee approval, and thereafter will receive the approval of the Senate as a whole. Under those circumstances, I think approval by the House of Representatives would follow.

Mr. President, last March I had the honor to speak before the Duck Hunters, in San Francisco, Calif. I ask unanimous consent that the text of my remarks on that occasion be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SOUND CONSERVATION REQUIRES CONGRESSIONAL PROTECTION OF WILDLIFE REFUGES IN PACIFIC COAST FLYWAY

(By Hon. THOMAS H. KUCHEL)

I am delighted to meet with you here tonight and discuss some of the conservation problems in which I know your organization shares a keen and longstanding interest. Recently a small group has accused me of being for the "ducks" rather than the "people" because of my attempt to stabilize the wildlife refuge boundaries in the Klamath basin of Oregon and California. Your organization and many other conservation, recreation, and sportsmen groups like you are ample proof that this issue cannot be categorized so simply and emotionally. I might add that any duck who has ever seen me in a wet, marshy blind at 4 o'clock in the morning would know that I am truly his friend, and I am sure a harmless one, but I assure you that this is as far as it goes for the ducks. What is involved here and in other parts of our land is the need to preserve a priceless heritage for future generations as a matter of clear-cut public policy.

The problems that confront conservationists and sportsmen throughout America stem from the greatly increased demands being placed on all our waterfowl resources. This is caused by an exploding population, an ever-increasing agriculture, and a constantly mounting demand for utilizing more

efficiently our available water resources. The Tule Lake area, with which I have been concerned for many years, strikingly illustrates the interaction of these competing demands.

As our national population has increased, so has California's and at a greater rate. At the turn of the 21st century it is conservatively estimated that California's population will have grown from our present 17 million to almost 50 million people.

With the growth of American industry and agriculture, our most productive fish and wildlife habitats have been disappearing at an alarming rate. Originally within the United States, there were 127 million acres of wetlands. A few years ago this was slightly over 70 million acres, of which less than 23 million were truly suitable as fish and wildlife habitat. In the Tule Lake area of California a similar situation has occurred. Around 1900 there were 400,000 acres of marsh and water in the upper Klamath basin. This is no longer so. In fact, since 1940, approximately 34,000 acres of wetlands have been drained in this area alone.

Through the construction of irrigation works, the lower Klamath and Tule Lake areas have been reduced from 187,000 acres of uncontrolled, alternately flooded and dry areas of rangeland to almost 25,000 acres of stabilized lake and marshland that can be managed efficiently for waterfowl purposes. While this development has been of benefit to both agricultural and wildlife use in the area, there is now need to maintain this balance and the status quo.

Our country's fish and wildlife problems and their relationship to our overall water resource development became very evident to me in 1959 and 1960 when I had the honor of serving as vice chairman of the Senate Select Committee on National Water Resources. We held hearings in 19 States. We asked various Federal and State agencies as well as private groups to furnish us with information to aid us in our understanding of the problems involved. We became increasingly conscious of the need to preserve wildlife habitat which is falling before the onslaught of the farmer, the factory, the dam, and the highway bulldozer. This recognition is increasingly evidenced in the congressional willingness to authorize funds for the establishment of fish and wildlife and recreational facilities by both the Bureau of Reclamation and the Corps of Engineers in irrigation and flood control projects. Last year, Congress authorized the advance of $105 million, to be spent over a 7-year period for the acquisition of waterfowl habitat. This advance will be paid back from duck stamp receipts. More needs to be done.

Let us remember, however, that it is not enough merely to create new fish and wildlife opportunities if, through inaction, we are going to jeopardize the continued existence of such established refuges as the Tule Lake and Lower Klamath. They are irreplaceable. They must be preserved. Congress has a solemn obligation to see that these refuges are preserved.

Back in 1908, the same year in which President Theodore Roosevelt established the Lower Klamath National Wildlife Refuge by Executive order as the first waterfowl refuge in the United States, William L. Finley, an early-day naturalist, photographer, and writer, visited the adjacent Tule Lake area. He said:

"When I cruised across Tule Lake in 1908 it was a body of water about 12 or 15 miles long and 10 or 11 miles wide. It was supplied by the water of Lost River entering from the north. It will be remembered that Lost River was the outlet of Clear Lake. The west side and the whole northern border was a vast tule harsh and a natural wildfowl nursery."

Tule Lake, then as now, has no equal as a waterfowl resting and breeding place.

Five years earlier, in 1903, what was then known as the Federal Reclamation Service had begun its investigations for the development of a Federal irrigation project in the Klamath area. As a result, the Secretary of the Interior withdrew some of this land in 1904. In 1905, both California and Oregon ceded certain rights in the Upper and Lower Klamath Lakes and Tule Lake to the United States. The resultant Klamath irrigation project has been of great benefit both to the people of the area and to the migratory waterfowl which continued using the area after the arrival of the Bureau of Reclamation as they had before. Today almost 80 percent of the waterfowl in the Pacific flyway pass through the Tule Lake-Klamath complex and almost all of these are concentrated in the Tule Lake and Lower Klamath National Wildlife Refuges alone.

With the continued and increasing use of this area by waterfowl, it was not long before other Presidents followed the precedent of Theodore Roosevelt in setting aside various parts of the public lands in the Klamath basin for the purpose of wildlife management. In 1911, President Taft established by Executive order the Clear Lake National Wildlife Refuge. In 1928, President Coolidge established both the Tule Lake National Wildlife Refuge and the Upper Klamath National Wildlife Refuge.

In 1960, under President Eisenhower, still another area was set aside. This new refuge, however, was not created from reserved public lands. It formerly was a part of the Klamath Indian Reservation and is now known as the Klamath Forest National Wildlife Refuge. The land was made available for acquisition by the Klamath Termination Act and, on September 7, 1960, 14,641 acres of tribal lands were transferred to the Bureau of Sport Fisheries and Wildlife by a payment of duck stamp funds under the Migratory Bird Hunting Stamp Act.

All five of these refuges provide various types of habitat and potential recreational and public hunting opportunities. It is in the Lower Klamath and Tule Lake Refuges, however, where serious problems or encroachment have occurred. In 1956, the Bureau of Reclamation recommended that almost 16,000 acres in the Tule Lake Refuge be opened to homesteading. This would have amounted to almost half of the land within the present refuge. While no action was taken on this recommendation by the Secretary of the Interior, justifiable fears were expressed by sportsmen and conservationists throughout California and America.

In late 1959, I became actively involved in the reconciliation of the dispute which arose between the Tulelake Irrigation District, the Bureau of Reclamation, and the Bureau of Sport Fisheries and Wildlife over maintenance of adequate sump levels to meet wildlife use requirements. You will recall that the Secretary of the Interior issued a "take back" order for the Department of the Interior to resume operation of the pumping drainage facilities then operated by the Tulelake Irrigation District. While this matter was resolved without the Federal Government finally resuming operation, I became more convinced than ever that there was a need to give legislative sanction to the wildlife refuges in the area which had been created by Executive order and whose continued existence was dependent on the mere stroke of a pen.

Thus, on May 29, 1961, I introduced S. 1988 to stabilize the boundaries of the Tule Lake, Lower Klamath, and Upper Klamath National Wildlife Refuges. On November 14, 1961, the Department of the Interior reported on my bill and recommended its approval with certain clarifying amendments. I am pleased to tell you that an extremely productive hearing was held before a subcommittee of the Senate Committee on Interior and Insular Affairs 2 weeks ago, on February 23, in Washington, D.C.

Besides the Secretary of the Interior and his staff, excellent testimony was given by several national and State organizations who favored my measure. I would like to say that Seth Gordon's and Everett Horn's statements on behalf of the California Duck Hunters Association was particularly useful and helpful. Those from the area concerned who were opposed to my bill aided the committee by offering their own rather vigorous objections to any congressional sanctions over the area. And thus, they helped to draw the basic issues clearly.

Besides organizations such as your own, the alert press of our State, and particularly the San Francisco Bay area, are to be commended for the continuing interest they have shown in this legislation and the service they have rendered in increasing public understanding as to the need for congressional action. This has been of immense help.

I am more convinced than ever as to the need for legislative sanction for these refuges. I am optimistic that Congress will act favorably in the near future.

What would S. 1988, including the clarifying amendments by the Department of the Interior, do?

First, it would provide that the public lands within the Executive order boundaries of the Tule Lake, Upper Klamath, and Lower Klamath Refuges would be retained in Federal ownership for "the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith." The bill specifically provides that "such lands shall not be opened to homestead entry." The refuges could be rounded out by the addition of various small tracts of public lands.

Second, S. 1988 would reaffirm the Secretary of the Interior's authority to lease reserved Federal lands within the wildlife refuges for agricultural use as at present. The grain and other crops now grown within the refuges have been of great value in providing adequate food for the waterfowl. Not more than 25 percent of these leased lands could be planted in row crops.

Third, in the case of the Lower Klamath and Tule Lake Refuges the bill would provide for the payment of a portion—but not to exceed 25 percent—of the new revenues collected from this agricultural leasing to the counties in which such refuges are located. These leases currently return between $500,000 and $750,000 annually to the United States. This in lieu tax payment would partially reimburse the counties involved for such local government services as police and fire protection as well as education, welfare, and highway construction, among others. Annual payment to these counties of a portion of the lease revenues, however, could not exceed 50 percent of the average per acre tax levied on similar private land in each county. The contractural obligations of the United States to pay a specified portion of revenues derived from agricultural leasing to the Tulelake Irrigation District and the Klamath Drainage District are maintained.

Fourth, specific provision is made that sumps 1(a) and 1(b) in the Tule Lake Refuge "shall not be reduced by diking or any other construction to less than the existing 13,000 acres." It is this area which has generated much of the controversy. These sumps offer potentially desirable and valuable agricultural land and are adjacent to the sumps which the Bureau of Reclamation seeks to homestead.

Fifth, and finally, S. 1988 specifically provides that the Secretary of the Interior shall maintain sump levels in the Tule Lake Refuge which "are adequate and practicable for waterfowl management purposes." This will be in accordance with present obligations under various migratory bird treaties and acts. In practice, this will continue to be carried out under contract and existing regulations by the local irrigation districts.

The importance of the Tule Lake-Klamath complex is not limited to wildlife preservation, recreation, and public hunting. In addition, the holding capability of these refuges for more than 7 million ducks and geese during their annual southern migration is vital to the successful harvesting of rice, grain, and lettuce in the Sacramento, San Joaquin, and Imperial Valleys of California. On the whole, this main link in the Pacific flyway has been of inestimable value in reducing crop depredation. In this effort, the importance of available feed in the Upper Klamath Basin and the interdependence of both farmers and wildlife are clearly illustrated.

It is not just enough to prevent further encroachment and to stabilize what exists. We also must encourage realistic planning and development of all the refuges in the area by the Department of the Interior. They have not been doing the job they should in providing adequate food during the birds' northern migration. They have not been doing the job they should in developing additional public hunting facilities. The fact that the number of waterfowl hunting permits issued by the California Department of Fish and Game rose from 2,037 in 1949 to 55,993 in 1958, less than a decade later, shows the tremendous need for progressive planning to meet this recreation demand. The recent report of the Outdoor Recreation Resources Review Commission also reiterates this obvious trend.

I explored these questions with the representatives of the Bureau of Sport Fisheries and Wildlife at our recent Washington hearings. They have an obligation to present concrete plans to Congress. With the help of groups such as yours, Congress, I am sure, will do its best to meet these needs and to preserve for future generations this priceless waterfowl area.

BIRTHDAY CONGRATULATIONS TO SENATOR DOUGLAS, OF ILLINOIS

Mr. PROXMIRE. Mr. President, today marks the 70th birthday of a unique Senator and a remarkable American, the distinguished senior Senator from Illinois, PAUL DOUGLAS.

PAUL DOUGLAS came to the U.S. Senate as a man of demonstrated physical bravery and patriotism. His war record was brilliant and outstanding. He volunteered for the Marine Corps at the age of 50, served with great distinction under fire, and was recognized and was decorated for his great bravery and his fine record.

PAUL DOUGLAS brought to the Senate a wonderful combination of qualities. The level of debate in the Senate and the quality of legislation developed in the Senate have been significantly improved by the Senator from Illinois. In my opinion a tiny handful of perhaps three or four Senators in American history have left anything like the mark which the distinguished Senator from Illinois already has left, and I am sure he has many productive years ahead.

Senator DOUGLAS is the only professional economist serving in the Senate; and what a professional economist he is. He has not only a Ph. D. degree in economics. He not only wrote the definitive work on wage theory for his doctorate dissertation. He has served as professor of economics at the University of Chicago. He has been president of the American Economics Association. He is recognized in the profession as one of the truly outstanding economists in the world.

In my judgment, the Senator from Illinois is the outstanding expert in the Senate on a number of vital policy matters which we have to consider, for instance, in the field of monetary policy. Few of us really understand it, because it is a complex and difficult field. Senator DOUGLAS is a genuine expert; the Senate expert in monetary policy.

He is the top Senate professional in the field of fiscal policy and the interrelationship of Government spending and taxation with the economy.

Tax policy: An extremely complex, difficult, and trying area, in which Senator DOUGLAS has a superlative understanding and a happy knack for making his understanding simple and comprehensible. In this area the Senator has no peer in Congress.

Government procurement: I do not think there is any Member of the Senate who is more competent, better informed, or has a better demonstrated record of obtaining results in terms of improving efficiency in the Government's multibillion-dollar procurement program.

Resource development: His contributions in this field have been extremely useful in helping make sure that proper standards of efficiency and economy are applied.

Area redevelopment: Of course Senator DOUGLAS is the outstanding authority on area redevelopment; and he is the author of the area redevelopment bill, which will always be a monument to his memory—and how characteristic of Senator DOUGLAS, since its prime contribution is in helping the down-and-out person and community recover.

The contributions Senator DOUGLAS has made in the fields of housing, urban renewal, slum clearance, and efficiency and economy in government, have been great and enduring.

THE EXPERT WITH A HEART

The wonderful thing about Senator DOUGLAS is that the great understanding he has in the economic field is dominated and animated by a deeply human feeling. There are a few other outstanding economists in the world, but there is no economist I know of who has a deeper understanding and feeling for the needs of mankind, both in the collective and individually. I know of no economist who has demonstrated such a sensitivity in the application of economic policy to what human beings in all their weaknesses and strengths, their loves and fears, need.

Senator DOUGLAS has not confined his contributions in the Senate, of course, to the economic field, although, as I have said, I think he is the outstanding expert in the Senate by a country mile in that area.

MOST VERSATILE SENATOR

Senator DOUGLAS has certainly made great contributions in the field of foreign policy and defense policy, where I always look to him for advice and expert understanding. As President Kennedy said in a message a few days ago, the most neglected man in America is the consumer. Nobody has championed the consumer more effectively than has Senator DOUGLAS, in one hard fight after another against powerful selfish interests.

His great fight on the natural gas bill has become a legend. His current proposal to establish truth in lending, which would give the borrower an understanding of how much interest he has to pay when he borrows, is another evidence of his interest in the consumer.

As I have said; Senator DOUGLAS is an expert in many fields, and, although he does not serve on the Judiciary Committee, where civil rights legislation originates, those of us who support his position on civil rights, those of us who favor a militant fight on civil rights, look to PAUL DOUGLAS as the leader in the Senate in that field. He is our great civil rights leader because of his profound intelligence. But even more because of his deep antipathy toward discrimination of any kind, and his respect and love for common, ordinary everyday people.

FIRST-CLASS STAFF MAKES FIRST-CLASS SENATOR

No man, regardless of his ability can be really effective, of course, without assistance. I have always felt PAUL DOUGLAS has had the finest staff in the Senate. On it have been men of great stature, like Bob Wallace; his present remarkable administrative assistant, Howard Shuman, who as an economic student at Oxford was the first American in many years to be elected president of the Oxford Union Society. Howard Shuman has the same kind of practical, humane, human, and warm understanding and appreciation of the implications of economics that PAUL DOUGLAS has. Of course, the incomparable Frank H. McCulloch, who for many years was the top man on Senator PAUL DOUGLAS' staff, and who is now head of the National Labor Relations Board, is a man who, in my judgment, would many years ago have made an outstanding American statesman in his own right if he had chosen to do so. He has contributed much of his life and his immense ability to Senator DOUGLAS. In so doing he has contributed to Senator DOUGLAS' career as few men have ever contributed to the career and works of another.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am delighted to yield to the majority leader.

Mr. MANSFIELD. I am very happy and honored to join with my distinguished colleague from Wisconsin in what he has had to say about the birth anniversary of an outstanding man and a most distinguished Senator, the Senator from Illinois [Mr. DOUGLAS].

As the Senator from Wisconsin has indicated, PAUL DOUGLAS is a man of many facets. He has been an outstanding professor of economics at the University of Chicago. He has written quite a number of textbooks on the subject. At the age of 50 he enlisted as a private in the Marine Corps. After going through a number of difficult campaigns under fire in the Pacific, he was retired with the rank of lieutenant colonel.

I feel an especial affinity for Senator DOUGLAS because of the fact that we both served in the Marine Corps, but also because of the fact that we were

jointly responsible, may I say with all modesty, for passing the Douglas-Mansfield bill, which was considered and made into law, while I was serving in the House of Representatives and Senator DOUGLAS was serving in this body.

That was the bill which set a floor under the strength of the Marine Corps, which was unique in the experience of the military services, a floor by which the Marines could not be reduced beyond three combat divisions and three supporting air wings. It also made it possible for the Commandant of the Marine Corps to become a member of the Joint Chiefs of Staff, and gave assurance to the Corps that efforts, which had been made over many years and decades, and most recently and most emphatically since the end of World War II, to reduce the Marine Corps to guard units, could not be carried out without infringing upon the laws and statutes passed by Congress and signed by the President of the United States.

So PAUL DOUGLAS has not only been an outstanding professor of economics and an outstanding marine, but has been and is an outstanding Senator, and the country is better off when we have men with the idealism, integrity, and enthusiasm of Senator DOUGLAS, who, although 70 years of age today, is many years younger in spirit.

I wish him well. I hope he will have many more years to serve with us. I am quite certain that, on the basis of the contributions he will make, our country will become a better country for all our citizens, and as we go along with PAUL DOUGLAS we can feel certain we are serving with a real American.

Mr. PROXMIRE. I thank the majority leader.

EMILY TAFT DOUGLAS

Senator DOUGLAS owes a great deal to his wife, as do so many outstanding men. She was a Congresswoman at Large from Illinois, one of our largest States, years before Senator DOUGLAS was elected to the Senate. She was an extremely able Congresswoman, who has the same marvelous qualities of humanity and warmth possessed by PAUL DOUGLAS. Since she retired from public life she has made outstanding contributions of time and energy to the Unitarian Church in a national way. She is working constantly in this field. She has been a wonderful companion, a source of love, sympathy, understanding, and I am sure, inspiration, to Senator PAUL DOUGLAS.

DOUGLAS' LIFE OF THE MIND

Mr. President, one of the facets about Senator DOUGLAS that I think must be mentioned before I sit down is the fact, as the majority leader has said, that Senator DOUGLAS is such a broad-gaged man. It is always a source of never-ending entertainment and amusement when Senator DOUGLAS, in the middle of a debate on tax policy or monetary policy, or some equally prosaic subject, comes up with a quotation from Plato, or some Latin poet, or one of the obscure 17th or 18th century French poets. He does it so easily. There is nothing affected or mannered about it; it just comes out.

The fact is that Senator DOUGLAS has lived a marvelous life of the mind. He has an active, working love of philosophy, of poetry, of art. He is a man who understands as too few of us do the civilizing, refining aspects of culture. With all his other attributes he is one of the rare almost extinct species of that over-used bromide, a scholar and a gentleman. DOUGLAS loves the people.

I would say, in conclusion, Senator DOUGLAS has demonstrated what animates him, what drives him, and what he aspires to, by the fact that, although he is today 70 years old, although he was reelected in 1960 to another 6-year term, he has since his reelection gone back to Illinois, has appeared at plant gates, has gone to shopping centers and wherever people congregate throughout Illinois, and has insisted on speaking to thousands and thousands of people in Illinois, consulting with them, finding out what they need, what they want, what their problems are, and maintaining his constant understanding of them. Only a man who really loves the people—who has a great, deep, genuine, sincere respect for the people—could and would do this kind of thing. PAUL DOUGLAS is a man who combines this love of the people, the simple everywhere-everyday people, with a deep appreciation of the great philosophers and poets and with the hard practical experience of the Chicago City Council, as tough a school of practical politics as there is.

A GREAT MAN

One of Browning's most striking poems is a dramatic monologue, "Andrea del Sarto." Andrea del Sarto expresses the dilemma of a faultless painter; a painter who for line and form harmony, color and precision was the superior of Michelangelo. He was the flawless epitome of perfection as an artist. But Andrea del Sarto, the perfect painter, somehow was unable to achieve greatness. Why? Because he lacked the capacity to inspire love or to sense and express love. The spark of humanity, the deep, honest human emotion escaped his brush and canvas. His portraits were precise reproductions but lifeless and emotionless.

More than any other man I know, PAUL DOUGLAS has the technical perfection that makes him a perfect Senator. But unlike Andre del Sarto this perfection is wedded to a warm, understanding, sensitive humanity which has made him a truly great man.

Outside this Chamber are the portraits of five men selected as America's greatest Senators. They all contributed mightily to this country.

But did even they earn the status of greatness? Can we be sure?

The word "great" is much overused in our contemporary world, and perhaps nowhere more overused than in the U.S. Senate.

But, Mr. President, of all the men I have ever known, if I could call only one "great," it would be Senator PAUL DOUGLAS.

Mr. President, I ask unanimous consent that a very fine article on Senator DOUGLAS published in yesterday's New York Times, written by William McGaffin, entitled "Ferocious Independent at 70"; and an editorial from the Washington Post and Times Herald entitled "Political Professor," paying tribute to Senator DOUGLAS, also be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Times]

"FEROCIOUS INDEPENDENT" AT 70—SENATOR DOUGLAS, OF ILLINOIS, A PROFESSOR TURNED POLITICIAN, IS A THOUGHTFUL, DEDICATED MAN WHO HAS MADE HIS MARK AS A "LONER"

(By William McGaffin)

WASHINGTON.—One can sometimes get a clue to a man's personality from the pictures he has in his office. In the case of Senator PAUL H. DOUGLAS, for instance, the first thing a visitor notices in the private office of suite 109 in the Old Senate Office Building is a group of six portraits prominently displayed on one wall.

They are of great public figures of other days. Two were Senators—George W. Norris, of Nebraska, and Robert M. La Follette, of Wisconsin. One, John Peter Altgeld, was Governor of Illinois from 1892 to 1896. Another is of Jane Addams, the welfare worker who founded Hull House in Chicago. Then there is Clarence Darrow, the Chicago lawyer and "defender of the underdog," as DOUGLAS describes him. And, finally, there is Abraham Lincoln. "These are the people I want to have in my office," DOUGLAS says. He admires them "for their courage and for what they sought to do."

Courageous politicians, of course, have not all passed on. Senator DOUGLAS, who will be 70 on March 26, is one of them. The big, white-thatched man from Illinois (DOUGLAS is 6 feet 2¾ inches tall and weighs 220 pounds) has built a solid reputation during his 13 years in the Senate as a crusader, a reformer, and a ferocious independent. Although a Democrat, he does not hew to the party line, but follows instead the dictates of his own stern conscience. He is one of the Senate's leading liberals, but his views on Berlin and the recognition of Communist China are as tough as any held by the most militant conservatives.

He has never belonged to the Senate's "inner circle." Despite, or perhaps because of this he has risen like Norris and LaFollette before him to the point where he must be numbered among the more effective Members of that body. As a member of the powerful Finance and Banking Committees and alternate chairman of Congress Joint Economic Committee, he exercises a considerable influence on taxation, trade, and social security legislation.

The tax reform bill, which the House Ways and Means Committee has been hammering out as a priority item on the President's legislative agenda this year, represents the fruition of a campaign DOUGLAS pioneered a decade or so ago. Another bill, designed to protect $60 billion of pension and welfare funds for 90 million Americans, has had smooth sailing, with the assistance of testimony DOUGLAS gave before the House Labor Committee. This bill is intended to strengthen a 1958 law which DOUGLAS helped inspire with a model series of hearings conducted in 1955 and 1956.

The Senator is a man with a great variety of interests. Thus, in the current session, he is pushing the President's new trade and tariff program, carrying on a running battle with the Food and Drug Administration to get whole fish flour declared legal so that it can be used to combat protein deficiencies in backward countries, and trying to save an unspoiled recreational area of Indiana duneland, a short drive from Chicago, from an industrial invasion.

His influence has grown and some of his greatest successes have been achieved since

John F. Kennedy became President. The dunes campaign, which DOUGLAS has carried on almost singlehanded for years, was given a great impetus when he persuaded the President to include the dunes in his recent conservation message to Congress. The area redevelopment bill, which DOUGLAS lists as his greatest Senate achievement, "because it is doing something for the areas that are suffering from high and persistent unemployment," was signed into law by Kennedy last year.

There were previous accomplishments. A souvenir of one is a plaque in his office. It was given him by the Capitol Press Club, an organization of Negro newspapermen, in appreciation of his labors in behalf of the 1957 civil rights bill.

DOUGLAS often uses dramatic means to make a point. Once, a few years ago, his aids talked him out of taking a meat ax and a scalpel to the Senate floor. He wanted to demonstrate how the budget should be cut—not with the crude swipes of a butcher but with the careful skill of a surgeon. His aids, however, feared that this might be hazardous to the Senator's colleagues.

One campaign he never gives up, despite repeated frustrations, is that against prodigal Government spending. He opposes pork-barrel river and harbor reclamation projects. He also fights his fellow Congressmen when they blithely vote millions for lavish new office buildings and related projects. The latest proposal to draw his indignant rebuke is one that would provide an underground parking palace on Capitol Hill—at an estimated cost of $24,700 per car.

DOUGLAS began molding his own particular profile in courage before he ever got into politics. Nobody but a man of stubborn moral courage would have taken on Sam Insull at the peak of his power. "It was like questioning the Holy Ghost in Chicago," DOUGLAS recalls, with a smile.

The Senator, who was then a professor of economics at the University of Chicago, began an investigation in 1929 at the request of several real estate men who had grown suspicious of the Chicago utilities promoters.

"Insull was ready to give me the works," says DOUGLAS. "He had me followed. He had trustees of the university call up Hutchins [Robert M. Hutchins, then chancellor of the university] and demand that I be fired. Hutchins, however, stood his ground."

DOUGLAS showed that Insull was trying to bilk the riders of the public transportation system in Chicago in a $140 million profiteering deal. This was only one part of the battle DOUGLAS helped conduct against Insull, who fled after the collapse of his empire and was caught on a chartered freighter off Istanbul. The Insull investigation is the episode of which DOUGLAS is most proud. "When I face St. Peter," he says, "this is the case I will argue in my behalf."

DOUGLAS began to display the kind of political independence he is known for today from the first moment he entered public life in 1939. He was elected to the Chicago City Council as an alderman from the fifth ward with the support of Mayor Ed Kelly. As soon as he took office, however, he threw council meetings into an uproar with his exposure of graft and waste in the city budget.

With the advent of World War II, DOUGLAS exhibited another kind of courage. He went to war, although he did not have to; he was 50 and had been a pacifist until just a few years before the war started. His firsthand observations of Hitler in the 1930's during extended visits to Europe caused him to abandon the pacifism of his fellow Quakers.

Cynics said that DOUGLAS went to war simply to further his political ambitions. His war record did help when he ran for the Senate, but what made him enlist was that same formidable conscience that has governed his conduct in Washington. He joined the Marines because he "felt horrified" at laying himself open to the charge of "urging others to fight" when he was not doing any fighting himself.

DOUGLAS fought with the 1st Marine Division at Peleliu and Okinawa. He was wounded in both actions. At Peleliu, he was awarded the Bronze Star. He went as a private and came out a lieutenant colonel and spent 14 months in the naval hospital in Bethesda, Md., when his left arm—partly shot away by Japanese machinegunners—was patched up.

In 1948, a distinguished career as a college professor ended when he was unexpectedly elected to the Senate. He was a political amateur and there is considerable evidence that the Democratic bosses in Chicago ran him only because they felt they had nothing to lose, since a Democratic defeat was forecast that year. The candidate, however, demonstrated a remarkable flair for campaigning. When C. Wayland Brooks, his Republican opponent, declined to take part in a public debate, DOUGLAS traveled Illinois debating an empty chair. The tactic was a success.

DOUGLAS likes politics and wishes he had gone into it 4 or 5 years earlier, even though he thinks that "political opponents are rougher than wartime enemies." The latter, he says, "try to kill you, but it's done without the slightest malice," while political enemies "assail your character and strike at you through your family."

The Senator used to be a teetotaler. Now he drinks beer and a little whisky with Czechs, Poles, and other minority groups when he visits Chicago. If, on some festive day, they break into a national folk dance, he gets up and dances with them. "If you're a machine politician," he says, "you don't have to smoke or drink because the machine knows you won't be troubled with ideas of reform. But if you're a reformer, you have to try to overcome this handicap by indulging in some of the minor vices or they think you're a sourpuss."

People often wonder how a man like DOUGLAS can possibly get along with Chicago's political bosses. His answer is that the Chicago "leaders," as he prefers to call them, "have never, never made any requests upon me that were in the slightest degree improper."

Three different Presidents have been in the White House during DOUGLAS' years in Washington. "No two men ever got on worse," says DOUGLAS of himself and Harry Truman. "Truman disliked all Ph. D.'s and he thought BILL FULBRIGHT and I were educated beyond our ability."

DOUGLAS got off on the wrong foot with Truman by favoring General Eisenhower for the Democratic nomination in 1948. "You ask me, do I regret anything in my life. I regret that," he says.

What really irritated Truman, though, was the investigation of the Reconstruction Finance Corporation which DOUGLAS helped Senator FULBRIGHT conduct in 1950 and 1951. The courage it took for a new Senator to oppose a Chief Executive of his own party was considerable. At one point, DOUGLAS declares, Truman inspired an Internal Revenue Bureau investigation of his income tax returns.

After several days of going over them, the agent assigned to the job told him, "I find that you don't owe us anything. As a matter of fact, we owe you $43.14."

"Will you put that in a letter?" DOUGLAS asked. DOUGLAS sent him back to his superiors three times, he says, before a letter was produced.

In the kind of fight that was going on, DOUGLAS felt that the letter was necessary. If he did not have it, a whispering campaign might have been started against him when he ran for reelection. Word might be spread that his income tax returns had been "investigated"—with the implication that he had been cheating.

"Having said all of this," DOUGLAS adds, "I still think Truman was a fine President. His big decisions were correct. The St. Louis Post-Dispatch summed him up well. It said that when the chips were down, he was a brave little man who did a big job."

DOUGLAS has one other story to tell about Truman. As one of a group who had been urging him to "clean house," he was in the White House for a discussion with the President. "Mr. President," DOUGLAS said, "you have trusted people who have betrayed you." Truman remained silent for a long while. Then, says DOUGLAS, he answered slowly, "I guess you're right."

Dwight Eisenhower comes off better in DOUGLAS' book than he does with many Democrats. DOUGLAS sums him up as "a gentle person, not a bad man. His main fault was lack of vigorous leadership. His Presidency was bland—like my diet, cup custard, and soup."

As for President Kennedy, DOUGLAS likes him very much. "It has not been an intimate relationship," he explains. As a Senator, Kennedy was somewhat distant personally, and since he has become President DOUGLAS hesitates to push himself on Kennedy. He pays only infrequent calls at the White House. What pleases the Senator is that the President has adopted with fervor many of the things that are close to my heart.

DOUGLAS is warmed not only to find "my mind moving with his," but that Kennedy agrees with his "choice of men." Ted Sorensen, the President's right-hand man, for example, went to work for Kennedy, when the latter was a Senator, on the recommendation of DOUGLAS, for whom he had worked previously.

Those who know both well say the President is equally fond of the Senator, whom he regards as a fatherly figure. Kennedy has reason to be grateful to DOUGLAS for several favors, not the least of which was pushing Illinois Kennedy's way through DOUGLAS' personal popularity.

DOUGLAS has numerous friends on both sides of the aisle, but he is not without his critics, both in and out of the Government. Some contend that he becomes overly emotional at times. They cite the incident that occurred during the Democratic Convention in 1952. DOUGLAS, who had discouraged a Presidential boomlet in his own behalf early that year, was trying to get the nomination for ESTES KEFAUVER.

One night, it became important to the Kefauver forces to try to negate a decision by the Democratic brass to keep the convention in session all night. Sam Rayburn, the convention chairman, refused to recognize DOUGLAS when he sought to move for an adjournment. DOUGLAS shouted for 2 hours after that, until he lost his voice. When he finally won Rayburn's recognition, he went down on his knees, and, pressing his hands against his chest, squeezed out a hoarse plea for adjournment. To many of his critics, this was an instance of DOUGLAS making a spectacle of himself.

Some accuse DOUGLAS of having been a Socialist. DOUGLAS voted for Norman Thomas for President in 1932 and his views on public ownership of monopoly industry were closely akin to those of the Socialists. "But I never joined the Socialist party," DOUGLAS declares. He kept out because he could not stomach the Socialist doctrine of the class struggle.

Nor did he agree with some of the economic theories advanced during his years as a college professor. Two of his best-known books, "The Theory of Wages" and "Real Wages in the United States (1890–1926)" were devoted to exposing the fallacy of the Marxist contention that an impoverished working class is the price of capitalist growth.

DOUGLAS' views on public ownership have been modified considerably in recent years. He now feels that the best solution is to have economic power broadly distributed throughout the country. He still favors a certain degree of public ownership in utilities, for measuring-rod purposes, but he is fearful that too much power in Government hands could destroy incentives in an industry.

When he leaves his old specialty of economics and moves into another field, his personal philosophy of life, DOUGLAS is a mixture of solemnity and gaiety. He tries to spend a half hour alone each morning in meditation after he reaches the office, reviewing the previous day to determine how he could have lived it better. He is both a Unitarian and a Quaker now but his views reflect a longtime Quaker influence. He became one a couple of years after World War I.

His staff has learned not to be surprised when he emerges from one of these sessions to announce his regret at having said that he hated somebody or something the previous day. One "must not have hate in his heart," he tells them.

This sober mood is quickly followed by one of humor, frequently at his own expense. He never fails when showing visitors his office to point out the pictures hanging on either side of the door, of Sir Thomas More and Erasmus. DOUGLAS says he keeps the pictures in his office to remind himself of "what happens to professors" when they go into politics.

Sir Thomas did, he observes, and lost his head. Erasmus didn't, he adds, and kept his.

POLITICAL PROFESSOR

When PAUL DOUGLAS switched in midcareer from professor to politician, he brought to the U.S. Senate the best fruits of an academic background and of experience as a fighting member of the U.S. Marine Corps. These embraced an exceptional blend of intelligence and education, of courage and toughness. Few Members of the Senate match his grasp of public affairs; few rival his readiness to do battle valiantly for so great a variety of causes—civil rights and conservation, tax reform and governmental economy, social security and economic development.

For a quarter century, PAUL DOUGLAS was an eminent member of the University of Chicago's Economics Department, a distinguished writer in his professional field, and a lively participant in local efforts to create good government. He joined the Marines as a private in 1942, when he was 50, for a characteristic reason—because he couldn't bear to stay safe at home when he had urged others to fight—and came out a lieutenant colonel having been wounded twice, at Peleliu and Okinawa. Few men better exemplify the ideal of the Marines expressed not long ago by its Commandant, Gen. David Shoup, as a corps of men who fight, without hate, for what they believe to be right.

Senator DOUGLAS will observe his 70th birthday today in his 14th year as a U.S. Senator. We congratulate him warmly; and we wish the country many more years of his useful service.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the majority leader.

Mr. MANSFIELD. I am delighted the Senator from Wisconsin has mentioned Emily Douglas in his statement of high regard for the distinguished Senator from Illinois, PAUL DOUGLAS.

I had the pleasure of serving in the House of Representatives and on the Committee on Foreign Affairs with Emily Douglas while her husband was serving overseas with the Marine Corps in the Pacific. To me they represent a perfect political family. They complement each other extremely well. There is a depth of understanding as well as love and affection between the two. I think this husband and wife combination, both experienced politically, has offered much to the betterment of the country as a whole and will offer much in the future.

Again I express my privilege at being able to join with my friend from Wisconsin in paying tribute to Senator PAUL DOUGLAS on his birthday, and at the same time to his charming and distinguished wife Emily.

Mr. PROXMIRE. Mr. President, I thank the majority leader.

Mr. DIRKSEN. Mr. President, I join with the distinguished junior Senator from Wisconsin [Mr. PROXMIRE], in saluting my distinguished colleague from Illinois [Mr. DOUGLAS], on his 70th birthday anniversary. Senator DOUGLAS has had a distinguished career in the academic field as a professor of economics and as a professional economist whose expert qualities are quite generally recognized.

He has served with distinction in the military as a member of the Marine Corps and has had a notable career as a public servant not only in the City Council of Chicago but also in the U.S. Senate.

He is a man of deep conviction. There is about him a rare tenacity. We cordially disagree on many things, but I respect his talent, I respect his capabilities, and I have a high regard for the contributions he has made to the public good. So today I join with his many friends in felicitating him.

PAUL H. DOUGLAS—A GREAT AMERICAN

Mr. GRUENING. Mr. President, our beloved colleague, PAUL DOUGLAS, senior Senator from the State of Illinois, is 70 years young today. It is not surprising that his career as teacher, economist, civic reformer, combat veteran, and U.S. Senator should evoke friendly comment and plaudits in newspaper and magazine.

I have known and admired PAUL DOUGLAS for close to half a century, and my respect for his abilities and public service has grown with the years. For me, it is always a pleasure to hear him address the Senate. Invariably his comments contain a happy combination of the ingredients of wisdom, clarity, grace, humor, and support of the public interest.

Somehow he manages, with rare felicity, to combine forthrightness in his unswerving attacks on abuses with tolerant understanding of error and human weakness. Compassion is one of his outstanding qualities. His range of interests is wide. It includes tax reform, economy in Government, protection of minorities, conservation, concern for the consumer, firm and unflinching resistance to all forms of totalitarianism, a strong national defense—but no waste—and much else that is invariably worthy.

It would be difficult to single out any one of PAUL'S accomplishments as preeminent in a career so dedicated to the public welfare. But above all else, I think, stands his resignation from his professorship of economics at the University of Chicago to enlist, at the age of 50, as a private in the U.S. Marine Corps, because he could not, he felt, conscientiously urge others to fight a war he believed necessary and not go himself. In the desperate landing attacks to drive the enemy from his entrenched positions on island bases in the Pacific, PAUL was twice seriously wounded, receiving permanent physical disabilities.

I am pleased to associate myself with the action previously taken by the distinguished junior Senator from Wisconsin [Mr. PROXMIRE] in placing the Washington Post editorial and the article from yesterday's New York Times in the RECORD.

I ask unanimous consent that an article from Sunday's New York Times, entitled "Kennedy Acts To Assist Consumers," which was illuminated by a photograph of PAUL DOUGLAS; and an editorial from the Observer, entitled "Truth in Lending," which deals with legislation PAUL DOUGLAS is sponsoring to protect the unwitting installment buyer, be printed at this point in my remarks.

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 25, 1962]

KENNEDY ACTS TO ASSIST CONSUMERS—HE URGES ADDITIONAL DATA BE AVAILABLE WITH PRODUCTS—BUT MERCHANTS ARE OPPOSED TO TERMS OF BILL ON CREDIT

(By William M. Freeman)

After a year and more of fence sitting, President Kennedy has plunged heavily for the ideas of two Democratic Senators on how to help the American consumer.

This is apparent in analyzing the message to Congress of a few days ago. In recommending additional protection for the consumer in his use of credit the President has given the blessing of the White House to the measure introduced about a year ago by Senator PAUL H. DOUGLAS, of Illinois. Senator DOUGLAS is an economist and an author of many books in the field. And, in calling for additional information on labels of pharmaceutical products, Mr. Kennedy has taken up the proposals first advanced by Senator ESTES KEFAUVER, of Tennessee.

He will not have easy going in winning acceptance for the ideas from the marketing fraternity or from the retailers. The retailers, who have been reluctant in recent years to take a stand that seems to oppose a full disclosure of what credit costs, actually are in favor of putting the full facts before the consumers but they do not believe the Douglas bill will accomplish the purpose. They favor the concept but they regard the bill as unworkable.

The National Retail Merchants Association has taken a stand against it in the form of a formal resolution and Harold H. Bennett, who was elected president at the annual convention in January, has spoken against it. Mr. Bennett is a formidable opponent in his position as the country's No. 1 retailer. In addition, he is a brother of Senator WALLACE F. BENNETT, Republican, of Utah, who is a leading opponent of the Douglas bill. Harold Bennett is president of the Zion's Cooperative Mercantile Institution in Salt Lake City.

Among marketing men, the general reaction has been that technical information either is not read or is ignored. In any case, it was said, it has the effect of negating selling efforts that are the product of appeals that are anything but technical.

Henry E. Abt, president of the Brand Names Foundation, remarked that the White House request for more detailed information on labels would spur consumer distrust of advertised products and advertising itself.

However, other leaders took the view that most consumers knew how to protect themselves and how to choose the best products for their personal use.

The General Motors Acceptance Corp., which acts as a financing agent in retail automobile sales and therefore is not directly involved in consumer marketing, nevertheless takes a position against the Douglas credit-control measure in its annual report just issued.

STATE REGULATION BACKED

It pointed out that last year four more States adopted credit-regulating legislation making 35 States and the District of Columbia in all that have such provisions. It called individual State action preferable to Federal regulation.

Speaking for big and little stores of all types, members of the National Retail Merchants Association, A. L. Trotta, who is manager of the group's credit management division, said that the requirement that service charges be expressed in terms of a simple annual rate does not accomplish the purpose of full disclosure.

"Among the many bad features of the bill," Mr. Trotta said, "is the fact that it is possible to avoid compliance with the bill by burying the cost of credit in the price of the merchandise."

The bill would require that any person engaged in the business of extending credit who requires, as an incident to the extension of credit, the payment of a finance charge state the total cost of the credit in terms of a simple annual rate.

Mr. Trotta said that while the bill's provisions seemed commendable and justifiable, there were flaws in the concept. He continued:

"Unfortunately, the truth of lending becomes hopelessly obscured and far from simple when Senator DOUGLAS' principle of 'simple annual rate' is applied. Dozens of mathematicians, statistical and economic experts have tried, some using pages of calculations, to apply this principle to the most ordinary examples and no two have come up with the same answer. Imagine similar problems facing thousands of salespeople every time they make a sale."

These are the retailers' four basic objections to the measure:

"1. Compliance would be most difficult and in some cases impossible. For example, in connection with revolving credit, the workingman's account, compliance would be completely impossible. It actually could mean the discontinuance of the revolving credit type of accounts most in demand by consumers today.

"2. Contrary to its stated purpose, the bill would provide consumers with less information as to the cost of credit and could be made effective only if price-control legislation is adopted. This is unthinkable in a free economy.

"3. The economic premises of the bill are false. It is broadly acknowledged in fiscal and Government circles that credit is not being used excessively. Moreover, despite the increase in population, repayment of outstanding consumer debt in 1961 has been about equal to any extensions of consumer installment credit. It is evident from the rate of repayment that economic stabilization is not being threatened by credit.

"4. Regulation in this field should be left to the States. The unworkability of an annual rate requirement has been recognized by 13 States, Canada, and the National Conference of Consumers on Uniform State Laws. Because of this, the conference has omitted any such provision from its proposed model State law on regulation of retail credit."

[From the Observer]

TRUTH IN LENDING

For those of us worried about the high interest cost of buying things on time, a New York savings bank has a suggestion. All we have to do, the bank says in its advertising, is to put a little money in a savings account each week until the amount equals the cost of the purchase we have in mind. Then we can buy it without worrying about high interest rates. In fact, the bank will pay us interest while it has our money.

There is rich irony in presenting this as a new idea, especially for those of us old to remember when "save-now-buy-later" was the prevailing system. Nowadays, of course, many of us haven't the patience to put off to tomorrow the things we want today. Some Americans are so impatient that they wind up with a good deal more debt than they can handle. And as President Kennedy said the other day, a number of people probably get in this fix at least partly because they lack a clear understanding of the cost of credit.

This is a deplorable situation, we agree. But the solution isn't as simple as some people seem to think.

Most banks, finance companies, and retailers provide consumers with precise information on the cost of credit; they regard it as the only proper thing to do. And yet there are borrowers who do not understand financing costs, either because lenders do not go out of their way to explain them or because the borrowers themselves simply aren't interested. So, the administration reasons, there's a need for a Federal law to protect these people.

We come then to the task of drawing up such a law. Mr. Kennedy's stipulation is only that the law should require "lenders and vendors to disclose to borrowers in advance the actual amounts and rates which they will be paying for credit."

Senator DOUGLAS is more specific. The Illinois Democrat urges that the financing charge be stated as if it were a simple annual rate of interest. That may sound reasonable enough, but the truth is that simple interest isn't simple at all.

Suppose a consumer borrows $1,000 from a bank for a period of 1 year. The bank says the financing charge will be $60. The usual procedure is to deduct the $60 in advance, so the consumer receives $940 which he pays back in monthly installments over the course of the year. The $60 is 6 percent of $1,000, but 6 percent is not the simple interest rate.

At the start, the consumer has the use of only $940, not $1,000. At the end of a month, this sum has been reduced still further, by the amount of the first monthly payment. Over the year, the average sum the consumer has on hand as a result of the loan is, very roughly, half of the original loan. And the simple interest rate thus is somewhere in the neighborhood of 12 percent. But there is no mathematical formula that will tell you exactly what the rate is.

Even if a satisfactory law can be written, we still will have the problem of enforcement.

Senator DOUGLAS wanted to hand this job to the Federal Reserve Board, but that agency argues that "it would not be appropriate for the monetary authority to administer what would be, essentially, a trade practices statute." The Federal Reserve has more important responsibilities and is in no way equipped to check on transactions involving hundreds of thousands of businessmen and millions of borrowers.

President Kennedy apparently agrees, for he proposes to turn over enforcement to the Federal Trade Commission, which does oversee many elements of trade, such as pricing and advertising. The FTC would not rejoice in such an assignment either; its Chairman has already said that "the problems of administration would be tremendous."

Finally, even workable law and workable enforcement would hardly solve the problem the law aims at. For what really troubles the lawmakers is the way some people borrow too much and pay more for interest than the lawmakers think they ought to. The assumption is that if people knew how much of the price of a television set was an interest charge, many wouldn't pay the price.

Yet under today's State laws and reputable business practices no one now needs to be ignorant of the total cost of credit, even if he can't convert it to simple interest. No matter how carefully the credit charges are spelled out, all of us continue to put our own price on our present enjoyment. To some people even a 25-percent annual interest rate might seem a small price to pay for having that color television now instead of next year.

True, some people will inevitably value present enjoyment so highly that they'll wind up with more debt than they can repay. But laws, for all of our Puritan faith in them, have seldom protected people from their own foolishness.

We're all in favor of a wider understanding of the cost of credit. But it's no easy matter, and we see no hope that any vast Federal legal machinery, which even the enforcers themselves are dubious about, is going to make us all careful, budget-conscious borrowers.

Mr. MUSKIE. Mr. President, I rise in tribute to one of our great colleagues, the distinguished junior Senator from Illinois [Mr. DOUGLAS]. He has, this day, reached the Biblical span of threescore years and ten. As one who has tried to keep up with him—in campaigns and in the Senate—I expect he will be going strong when I have matched his present age.

Senator DOUGLAS was born in Massachusetts; but he had the good sense to grow up in Maine, graduating from Newport High School and Bowdoin College. Although we were not able to convince him to remain in Maine, we are proud to claim him as one of our finest exports. We congratulate the citizens of Illinois on their wisdom in electing him to the U.S. Senate.

To Senator DOUGLAS I say, "Happy birthday," expressing my thanks for his patriotism, perseverance, wit, wisdom, and splendid leadership on so many vital issues. It has been a privilege to serve with him and to learn from him. I hope that experience will continue for many years.

Mr. COOPER. Mr. President, it is my understanding that this is the birthday of our colleague, the distinguished senior Senator from Illinois [Mr. DOUGLAS].

The service in the Senate of the Senator from Illinois has been marked by ability, and by a deep humanitarian spirit. I will not say more, for it would embarrass him, but I join with other friends in expressing good wishes to him on this day.

Mr. KEFAUVER. Mr. President, I rise to wish a happy birthday to our dear friend and colleague, Senator PAUL DOUGLAS. He is the youngest 70-year-old Senator I know.

His life is a fine example for those of any age to follow. Courageous and forthright, possessing an intellect as strong as his sense of humanity, PAUL DOUGLAS had already made great contributions to his country and to his Government before coming to the Senate. He has been and is one of the best informed and most influential Members of this body.

I congratulate him upon reaching this milestone, and I am confident that he will have many more fruitful years of service.

Mr. President, in further tribute to this distinguished public servant, I invite attention to an article in the New York Times magazine of yesterday and an editorial from today's Washington Post and Times Herald, which I understand have been ordered to be printed in the RECORD.

Mr. YARBOROUGH. Mr. President, it was a great surprise to me during the last day or two to learn that the distinguished senior Senator from Illinois [Mr. DOUGLAS] had reached the age of 70 years today. I would not have known it if I had not looked at the birth date in his biography in the "Congressional Directory" in which he had included the date. He has been very open about it, and has not tried to conceal it. Had I not been reminded that he is 70 today, I would have thought he was only 60.

His membership adds dignity and prestige to the Senate. It is prestige of the type that is most cherished in the Western World, because it is the prestige of intellectual achievement. Everyone who has ever served in any branch of the armed services honors Senator DOUGLAS for his great patriotism. As he lay wounded upon the field of battle in the Pacific, medical corpsmen came to his aid. He insisted that they go first to the aid of men under his command who lay wounded upon the field of battle. From that experience, he suffered permanent injuries.

Before he came to the Senate, the senior Senator from Illinois published books which are textbooks in the academic world.

He is a patriot, a statesman, and a scholar. But more than that, those who work with him know him as a friend, a friend who helps us out at any time. He is a friend who volunteers his aid. One does not have to ask him.

I hope that we in the Senate can keep his youthful outlook during the rest of our service here. He has not let his years of service here and his years of life dim his ideals for the future. He has never lost his forward-looking point of view, his youthful enthusiasm for great causes, whether he be the only person who advocates the cause or only a handful of Senators join with him for the greatness of a cause, as distinguished from the practicality of whether he might happen to win it or not.

It is in that spirit that I honor our great colleague who lends a certain dignity to all of us by his service in the Senate. He is one of the gems of the Senate. He is one of the great ornaments of this body. I am glad that I am serving here—it will be 5 years next month—during the time PAUL DOUGLAS has been one of the most active Members of the Senate.

Mr. MCNAMARA. Mr. President, after the very fine tribute paid by the distinguished Senator from Texas to our dear friend, the senior Senator from Illinois, I am sure that I can only congratulate both of them, particularly the Senator from Texas, for the very fine way he has expressed his feelings. I am sure I subscribe to everything he has said.

Mr. HART. Mr. President, notwithstanding the suggestion made by my colleague from Michigan [Mr. MCNAMARA] that the distinguished Senator from Illinois [Mr. DOUGLAS] would be embarrassed by a continuation of the birthday congratulations to him, I nonetheless feel very strongly the desire to add my very brief but equally sincere words on this occasion.

I share with other Senators the hope that Senator DOUGLAS will have many more birthdays on which we may express to him our good wishes. However, realizing the anguish that Senator DOUGLAS suffers when the RECORD is extended at a cost of $91 a page, or whatever the cost is, about which Senator DOUGLAS lectures us, I am sure he would wish no further discussion on this point.

Mr. DOUGLAS. Mr. President, I deeply appreciate the statements of my colleagues. I had intended to move to strike their comments from the RECORD in order to save the taxpayers' money. However, it occurred to me that this would seem extremely priggish, so I shall allow the remarks to stand.

I hope Senators will be much more truthful in other matters than they have been this afternoon. Nevertheless, I greatly appreciate their good will.

THE RS–70

Mr. PROXMIRE. Mr. President, I invite the attention of the Senate to an article entitled "Invisible Lobby Behind the RS–70," published in this morning's Washington Post and Times Herald, and written by Marquis Childs.

I have not made up my mind on the RS–70 issue, but I think the Secretary of Defense has made a telling and persuasive case against the appropriating of as much money by Congress as some Members have asked for the development of the RS–70. At any rate, Marquis Childs is a thoroughly competent and able columnist, and has written a column on the RS–70 which is provocative and interesting. I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

INVISIBLE LOBBY BEHIND THE RS–70

(By Marquis Childs)

Ever since General Eisenhower uttered his warning on the eve of leaving the Presidency about the threat of the domination of what he called the military-industrial complex the power of that complex has become more apparent.

Nothing quite like the pressures applied on the administration to back down in its opposition to what would eventually be a $10 billion program for the RS–70, formerly the B–70 bomber, had been seen in this Capital for a long time. The agreement by the administration to give careful study to the recommendations of the House Armed Services Committee means a truce but it is not the end of the war.

On one side of the struggle is the Air Force, big industry representing payrolls in a number of States and a great many Members of Senate and House who represent those States. On the other side is Secretary of Defense Robert S. McNamara, backed by the President.

That lineup is, however, an oversimplification. This controversy bears some resemblance to the fight between the battleship admirals and the submariners in the Navy. Advocates of a missile strategy in the Air Force are said to have doubts about the course of their Chief, Gen. Curtis LeMay, who is all out against the other Joint Chiefs of Staff and against Secretary of the Air Force Eugene M. Zuckert in behalf of the manned bomber.

On the administration side, the President has been reminded by Senator BARRY GOLDWATER, one of the most impassioned advocates of the program, that as Senator Kennedy, he had favored the B–70 and had criticized his predecessor for opposing its development. The burden of responsibility puts an entirely different look on the whole problem of defense. The President has frequently called attention to the nearly $10 billion added to the defense budget in missiles, hardened sites, the bomber alert and in conventional forces.

As for McNamara, he has never had the slightest doubt about his view that to produce the B–70—or the Reconnaissance Strike 70, as it has become known—would be a political surrender to the demand for jobs and industry contracts. Last May, as he had begun to get a grip on the awesome assignment he had taken on, he said to a close associate:

"I'll stake everything on stopping the B–70. If there is one thing I know it is research and development."

Already $1.3 billion has been committed for development of three prototypes of the reconnaissance-strike plane and nearly a billion has been spent or is about to be spent. The RS–70 is supposed to carry equipment that, while the plane is flying at 2,000 miles an hour, can send back photographic data indicating targets for a second and follow-up nuclear strike. It would also carry skybolts which could be fired on targets from a distance of several hundred miles. McNamara doubts that the plane as presently conceived could possibly carry the contemplated equipment still on the drawing boards.

The Air Force has pushed a campaign backing the conviction not only that the RS–70 is feasible but that it is essential to the Nation's defense. Clearance officers in the Pentagon were astonished to get a paper prepared by the Air Force for a Republican Congressman attacking McNamara's position. Clearance was denied.

Coordinated with the military pressure was the operation of the industrial lobby representing the subcontractors in at least 20 States that would have a piece of the RS–70 project. One Pentagon office was reported to be working exclusively on making sure that Members of Congress from these States would know about the payrolls to be generated by a $10 billion RS–70 program.

The industrial side of the military-industrial complex might be called the invisible lobby, since the agents of the relatively small number of giant corporations getting most defense contracts do not have to register under the Lobby Act. One of the few searching efforts to show how it operates and its effects on Government spending was in a series of articles last year by James McCartney, of the Chicago Daily News. Government negotiators are far too often out-

manned, outskilled, and outtraded when they sit down with the agents of big industry to negotiate contracts adding up to $50 billion a year.

McNamara once cited the pay of a negotiator for his former employer, the Ford Motor Co., of $80,000 a year, sitting opposite a Defense Department procurement officer getting $10,000 a year. This same imbalance runs from top to bottom.

THE NUCLEAR TEST BAN ISSUE

Mr. MILLER. Mr. President, in the March 20 issue of the Evening Star the lead editorial, entitled, "Playing Russia's Game," pointed out the recently announced statement by Lord Home of Great Britain regarding the nuclear test negotiations, in which he stated that his country would accept an "absolute minimum" of control machinery if Russia would agree to a test ban treaty.

I believe this editorial merits the attention of readers of the RECORD, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PLAYING RUSSIA'S GAME

The budding signs that Britain is pulling away from the United States on the nuclear test ban issue seem to have come to full flower in Lord Home's speech at Geneva.

The Foreign Secretary told his audience that Britain is ready to accept an "absolute minimum" of control machinery if Russia will only agree to a test ban treaty. Lord Home did not say what would constitute an absolute minimum. But he did say that the British, although recognizing that Russia has gained military knowledge and advantage from last fall's tests, are prepared to let the Soviets keep that advantage if tests can be ended forever under a treaty providing an adequate minimum system of verification.

We hope that our own Government will not allow itself to be pulled along. For whatever may be the precise meaning of Lord Home's words, it seems clear enough that Britain, in exchange for a piece of paper called a treaty, is prepared to settle for little or nothing in the way of genuine inspection and control to guard against cheating. And to do this would be to play the Russian game on Russia's home field under Russian rules.

The Soviet test series last fall abruptly ended a 3-year moratorium on testing. The Russians, however, had been secretly preparing during the moratorium to conduct their tests, and under the conditions set out by Lord Home they could very easily do so again.

Mr. Kennedy has said that another such venture in cheating might well give the Kremlin superiority in nuclear arms, and we do not see how any responsible government could even consider taking such a gamble with the life of a nation. Certainly, on the whole, long, discreditable Soviet record, we cannot possibly trust the Russians. And since they cannot be trusted we should proceed with next month's scheduled test series unless in the meantime the Soviet Union has signed a treaty incorporating inspection provisions which we believe to be adequate. If this means a break with the British, that will be too bad. But it will be better than selling ourselves down the river.

Mr. MILLER. Mr. President, it is worthy of note that the meaning of the phrase "absolute minimum" has never been spelled out, so it is theoretically possible that the so-called minimum referred to by Lord Home might somehow or other conform to what is the policy of the United States. The danger, however, is that by using such a phrase as "absolute minimum" aid and comfort somehow might be given to the Soviets, to stand even more firm than they have been in negotiating with the free world on a nuclear test treaty.

SOVIET AGRICULTURAL POLICY

Mr. MILLER. Mr. President, in the March 15 edition of the Des Moines Tribune there is a timely and pointed analysis by the able columnist, Joseph Alsop, on the recent agricultural policy adopted by the Soviets. Mr. Alsop points out that the policy is one of expanding agricultural production without at the same time maintaining or building up the fertility of the soil, and that the long-range capital outlay which is necessary to so build up the soil will instead be put into armaments.

The outlook of such a policy is, of course, very grim, but I think it is well for people to realize exactly what is the Soviet policy, so I ask unanimous consent that Mr. Alsop's article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT K.'S DECISION ON FARMS IMPLIES

(By Joseph Alsop)

WASHINGTON, D.C.—"We think the Soviet leaders are having a very serious argument about the direction of development of Soviet society. Moreover, we think their decision on this basic problem will almost inevitably determine their decisions on just about every other problem, from Berlin to China."

However right or wrong, the opinion quoted is exceedingly important, and it summarizes the working theory that was adopted some months ago by Secretary of State Dean Rusk and other chief policymakers in Washington.

If the theory is correct, there is far more meaning than meets the eye in the decisions about agriculture reached at the recent plenary session of the Central Committee of the Soviet Communist Party.

It may seem odd to suggest that a new farm program may forecast Soviet intentions at Berlin, but that is the nature of the Soviet beast. The increasingly painful Soviet farm problem is intimately linked with all the Kremlin's other problems, conspicuously including problems of military policy, because the farm problem hinges on state investments.

HOW OUTPUT CAN BE INCREASED

The Soviets could quite easily achieve a massive increase in farm output by recognition of the truth of the French proverb: "The best fertilizer is the owner's sweat." But any move toward more individual farming—by great enlargement of the private plots or by introducing an individual sharecropping system in the collective farms, for example—would be fruitless without massive state investments.

After such a move, the peasants would undoubtedly produce more food. But they would eat it themselves, unless there was an increase in consumers' goods production, to give the peasants something in exchange for their produce.

Farm output could no doubt be greatly increased even without disturbing the existing pattern of collective farming, but only if the collectives could be given much more fertilizer and farm machinery. But fertilizer factories and farm machinery factories are just as expensive as factories for consumers' goods.

BUT INVESTMENT WOULD BE NEEDED

Either way, a steep increase in state investment was essential for a clean-cut, practical solution of the problem of the growing dearth of food in Russia and in most of Eastern Europe.

But the drama of the central committee lies in the total disparity between the dimensions of the farm problem, as defined by Nikita Khrushchev himself, and the dimensions of the remedy adopted, apparently with Khrushchev's approval.

A huge new agricultural bureaucracy is to be established in the rural regions to harass and encourage the collective farmers. But no increase of state investments in farming is to be made.

SHORT RUN GAIN ONLY

Instead, the farmers are to be required to abandon their customery grassland rotation and grasslands are to be plowed for such crops as sugarbeets. For the short run, output may be sharply increased. But what is to happen when the land shows the effects of soil-exhausting cropping, without fertilizer to restore its fertility?

The indirect answer to this question was given to Khrushchev, in the statement that there could be no "relocation of funds to agriculture * * * to the detriment of the strengthening of this country's defense. This is the bedrock of the existence of our socialist state."

Once again the people are to be asked to make sacrifices for the sake of naked power. It is a grim outcome.

DEVELOPMENT OF COOPERATIVES

Mr. MILLER. Mr. President, in the February 8 edition of the Wall Street Journal there is a very fine article on the development of the cooperative movement in the United States: where it has been, where it is now, and some prospects for the future. I ask unanimous consent that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CO-OPS' CLIMB—FARM GROUPS EXPAND, SEEK A GREATER SHARE OF CONSUMER'S DOLLAR—GRAPE GROWERS CONTROL WINE FROM SOIL TO STORE; TAX ADVANTAGES MAY BE LOST—AID FROM THE ADMINISTRATION

(By Norman C. Miller, Jr.)

The gray-hulled SS *Angelo Petri* steams through San Francisco's Golden Gate into the choppy Pacific, its 26 stainless steel tanks filled with 2.4 million gallons of wine. The ship's destination: Newark, N.J. En route, part of the heavy cargo will be transferred to two barges bound for Chicago via the Mississippi. At plants in Newark and Chicago, the wine will be bottled and swiftly dispatched to retail outlets.

The significance of this operation: The ship, barges, bottling plants, and wine, all are owned by 1,500 grape growers in California through their cooperative, Allied Grape Growers. The farmers thus have realized a goal long sought by many agricultural co-ops—control of a product from soil to store. The co-op claims its members are averaging 28.5 percent more income from the integrated operation than they would be taking in from merely selling the grapes they grow to processors.

Allied Grape Growers is only one of the rising number of farm co-ops which, by using such business techniques as mergers, diversification, and expansion, are striving to increase their role in marketing with the

aim of capturing a larger share of the consumer's food dollar. This push spells increased competition for independent processors and distributors who sell farm products.

AGRICULTURE DEPARTMENT BACKING

The co-op's efforts to put farmers in full command of processing and distributing has been under way for several years. But the co-ops are being backed now by a strong ally—the U.S. Department of Agriculture. The case of the Allied Grape Growers illustrates vividly how far the integration push is going.

The Allied Grape Growers, organized 12 years ago, began making wine only a little more than 2 years ago by purchasing United Vintners, Inc. Last September the company bought a second wine company to boost weekly grape-crushing capacity to 50,000 tons at its seven California wineries. The co-op now claims to be the largest wine producer in the country.

Agricultural co-ops are voluntary associations in which farmer members, by collectively buying and selling, try to lower costs and command higher prices for their products. The Agriculture Department reports that in the year ended June 30, 1960, the latest period for which figures have been compiled, the Nation's 9,345 co-ops registered total net volume of a little more than $12 billion, up from $9.7 billion 5 years earlier.

In the past, some co-ops have concerned themselves solely with selling to processors; others, including most of the big Eastern and Midwestern co-ops, have concentrated on providing members with such farm needs as fertilizer and petroleum. More and more, both types of co-ops are considering becoming fully integrated marketing co-ops such as Allied Grape Growers.

BOLSTERING FARMERS' INCOMES

The reason is readily apparent. The Agriculture Department says the farmer's share of the consumer food dollar in 1961 was only 38 cents, down from 47 cents in 1950. The other 62 cents went for processing, transportation, retailing, and the like. If farmers, through co-ops, can take over some of these functions, they might be able to increase their incomes.

"The farmer has reduced his production costs about as much as he can," declares Richard Johnsen, executive secretary of the Agricultural Council of California, a trade association for State co-ops. "The only place he has left to improve his income is marketing."

"The pressure is on from farmers for co-ops to increase their marketing efforts," agrees Harold Hamil, an assistant general manager of Consumers Cooperative Association, Kansas City, Mo., a big farmers' co-op which until a few years ago received all of its income from farm supply sales.

Co-op expansion is getting support from the Kennedy administration. In recent months Agriculture Secretary Freeman has made it a point to stress the administration's intent that "the role of cooperatives in participating in our national farm program will increase." This marks a shift in policy from the Eisenhower administration, which was somewhat indifferent to co-ops, according to a long-time Agriculture Department official.

FREEMAN'S STAFF WORKS ON PROPOSALS

Mr. Freeman's planners are known to believe that co-ops barely have tapped their potential as an important force in marketing many commodities. The farm chief's staff men are working up several study proposals designed to foster more big co-ops that would go beyond traditional local and regional lines. Among these proposals: That loans and grants be made to co-ops by the Government.

The growth of co-ops is highly disturbing to many independent processors and distributors, who fear that increasing co-op competition may choke off their profits. "The co-ops have made considerable strides in improving their volume of business at our expense," says an official of a California cotton oil company. The State's major cotton oil co-op, Ranchers Cotton Oil Co., has tripled its annual output to 180,000 tons in the 10 years since it was formed, says E. J. Cecil, general manager.

A particularly rankling point to many corporate competitors is the income tax position of co-ops. Under court interpretations of present Federal law co-ops aren't taxed, on the theory Uncle Sam gets his cut when any co-op profits are distributed to members. However, all co-op earnings don't have to be returned to members immediately. Co-ops are permitted to retain as large a share of their profits as they want to finance operations and expand facilities. These retained earnings aren't taxed, either. Thus, co-ops use tax-exempt funds for expansion.

"By not paying taxes co-ops have gained a substantial advantage over corporations and have been able to use excess funds to greatly expand the co-op movement," complains A. T. Mann, secretary-treasurer of Producers Cotton Oil Co., Fresno, Calif. "The New Deal politicians feel the tax exemption helps the small dirt farmers but the truth is that these co-ops have grown to be enormous organizations."

TAX EXEMPTION SACRIFICED

Actually, not all co-ops have chosen to remain as tax-exempt organizations. Calavo Growers of California, an avocado growers' co-op, gave up its tax-exempt status in order to sell other products besides avocados on a commission basis. The main advantage of remaining a co-op even after waiving tax exemption is that co-ops aren't subject to certain antitrust laws.

It is possible that all co-ops may soon feel a Federal tax bite. Despite his sympathy for the co-op movement, President Kennedy has asked Congress to levy a co-op tax as part of his attempt to close tax loopholes. Whether Congress will go along is problematical; over the years co-ops have beaten back several attempts to change their tax status.

In the face of this controversy, co-ops have been building up their already sizable volume. By 1958, the last year for which figures have been compiled, the net volume of farm products handled by co-ops at one or more stages in the marketing process was 26.9 percent of cash receipts from farm marketings, compared with 22.3 percent in 1950. There are clear signs that this trend is accelerating.

"The time has come when a cooperative can't simply supply the former without any concern over what he does with the products he is producing," says W. H. Prigmore, assistant general manager of Eastern States Farmers' Exchange, Inc., West Springfield, Mass.

MORE EMPHASIS ON MARKETING

Six months ago the Eastern States co-op established a marketing division to handle its growing volume of farm product sales. Starting with egg marketing in 1959 and adding grain marketing later, the co-op has lifted its marketing to about $10 million annually, says Mr. Prigmore. Marketing of other commodities such as poultry is under study, he adds.

Although marketing currently accounts for only 10 percent of Eastern States' $100 million annual gross, Mr. Prigmore says, "I can visualize that in time our marketing sales could be as important as our supply sales."

Cooperative Grange League Federation Exchange, Inc., Ithaca, N.Y., a supply co-op with annual volume of over $380 million, moved into fruit and vegetable processing and marketing in late 1960 by buying two canning companies. The co-op plans to start marketing several other commodities. "There is a tremendous need for stronger marketing services for farmers and we feel we are in a position to provide them," says Edmund H. Fallon, general manager.

Three years after venturing into processing and marketing by buying a pork packing plant at Denison, Iowa, as a "pilot project," Kansas City's Consumers Cooperative Association has decided to expand its meatpacking facilities and is considering an egg marketing program, says Homer Young, president.

More co-ops are banding together to expand marketing services. Producers Export Co., New York, was formed a couple of years ago by 22 cooperatives in an attempt to increase foreign grain sales. "Previously we used private export companies but we feel we can do a much better sales job ourselves on a group basis," says H. C. Fledderjohn, assistant general manager of the Indiana Farm Bureau Cooperative Association, Inc., Indianapolis. Along with four other co-ops, the Indiana association also has formed Mid-States Terminals, Inc., Toledo, to handle grain exports via the St. Lawrence Seaway.

DAIRY CO-OPS BAND TOGETHER

Last August five midwest dairy cooperatives formed American Dairy Foods, Inc., St. Paul, to develop more efficient marketing. Although the co-ops continue to offer separate products through their own organizations, they expect to offer "additional and important services" through American Dairy Foods, says George B. Pfeifer, general manager.

Such joint marketing efforts are indicative of a general co-op merger movement. Between 1950 and 1960 mergers pared the number of co-ops by 7 percent, while co-op volume increased more than 30 percent and memberships rose 700,000.

Co-op officials believe the trend toward larger farming operations will accelerate the merger pace so that co-ops can keep abreast of the services demanded by big farmers. Last month two midwest co-ops with combined volume of over $100 million, Illinois Farm Supply Co. and the Farm Bureau Service Co. of Iowa, announced they were considering a merger.

"To serve big farmers, cooperatives will need to be larger, better financed and more efficiently organized and managed," says Joseph G. Knapp, administrator of the Federal Farmer Cooperative Service.

FEDERAL AID TO EDUCATION

Mr. MILLER. Mr. President, in the March 16 edition of the Wall Street Journal is a fine article written by Edmund K. Faltermayer on the subject of aid to higher education.

I have previously indicated my policy of supporting the rendering of some Federal assistance to our institutions of higher education. However, the article points out that in the event Federal assistance is not forthcoming, at least to the degree to which some proponents have advocated, there are possibilities for increased development of private institutional support for institutions of higher learning which are of such a magnitude as to enable some educators to think they might be able to supply the needs for higher education for our younger people in the future even if there is no Federal assistance.

Mr. President, I think the readers of the RECORD ought to have some idea of the possible sources of the independent and private aid, how this ties in with the gross national product of our country,

and how it is projected into the future, so I ask unanimous consent that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FUNDS FOR COLLEGES—MANY EDUCATORS SAY THEY CAN GET ALONG WITHOUT NEW FEDERAL AID—IF THEY MUST

(By Edmund K. Faltermayer)

Can the Nation's colleges and universities accommodate the near doubling of enrollments expected during the 1960's without Federal aid?

The colleges, now overwhelmingly in favor of legislation that would put Uncle Sam in the business of directly assisting colleges for the first time, say they can't meet the oncoming enrollment crisis without construction grants from Washington. Heeding these pleas, the lawmakers will probably approve some sort of aid this year, if differences in separate bills passed by the House and Senate can be ironed out. The more generous House version would provide $180 million a year in matching construction grants.

Nevertheless, a glance at a few figures reveals that the colleges may be underestimating their ability to raise more money from private sources. Consider these straws in the wind:

Smith College announced last month that it has met the $10,030,000 goal of its current 2-year development program 4 months ahead of schedule.

MIT'S MONEY FROM BUSINESS

Massachusetts Institute of Technology, well along in its $66 million second century drive, disclosed recently that corporations alone have given or pledged $15 million—the largest amount ever given by business to an institution of higher education in a single fund drive.

Such successes are by no means limited to well-known or rich institutions. Mammoth New York University, largely a "subway" institution with many students from low-income families, has received $86.4 million in gifts during the last 6 years, thanks in part to fundraising efforts.

Altogether, private giving to colleges and universities is now running at a rate well over $1 billion a year, or double the total as recently as 6 years ago. Some authorities put the current annual figure as high as $1.3 billion. Together with earnings from endowment funds provided by past donors, private gifts account for about one-fifth of the $7.5 billion the colleges currently spend each year for operations and capital expansion.

Significantly, the colleges somehow managed, without direct Federal grants of the type now proposed, to increase their spending on new academic buildings, dormitories and teaching equipment to an estimated $1.3 billion last year compared with only $700 million 6 years ago. True, one-fourth of the current figure represents dormitories and dining halls financed with low-interest Federal loans under a decade-old program. But these moneys must be paid back to Washington, unlike the matching grants now advocated.

SPENDING RISE FORECAST

The upsurge in private giving, impressive as it is, is hardly cause for complacency, educators argue. For one thing, they say, the colleges' current rate of capital spending must be boosted even higher, to around $2 billion a year, to provide the estimated $19 billion of new facilities needed by 1970.

More operating funds will be needed, too, they add. The pressure to accept more students as children born in the postwar "baby boom" reach college age, plus the need to raise faculty salaries, will boost the colleges' operating costs to $17.4 billion in the 1970–71 academic years, according to latest estimates by the U.S. Office of Education. Together with capital expansion, the total higher education "budget" is expected to soar to about $19.5 billion, nearly three times the total in 1960–61. The number of students in the 1970–71 year is forecast at about 7 million, up from last year's 3.6 million.

Much of the added money, to be sure, will come from State and Federal Governments even if the present Congress passes no aid-to-higher-education bill. Together, State appropriations for State universities and indirect Federal support in the form of research grants and funds for other special-purpose projects, provided almost half of last year's total college budget of $7.5 billion.

Assuming no change in legislation, this proportion may decline somewhat. But this decline probably will be offset by further increases in fees charged students, which now provide somewhat more than one-fifth of the money. Already averaging $2,400 a year in private colleges, or 37 percent above the average 10 years ago, these fees are expected to be boosted another 48 percent by 1970.

Nevertheless, assuming no direct Federal aid of the type now being considered by Congress, private giving in the 1970–71 academic year would have to be nearly three times the 1960–61 level, to enable colleges to bridge the financial gap.

Is such an increase possible?

On the optimistic side is Dr. Frank H. Sparks, former president of Wabash College and now president of the Council for Financial Aid to Education, a nonprofit organization which fosters corporate giving to colleges. "I think the record of increased voluntary support of education has been tremendously impressive," says Dr. Sparks. "I don't think we have anything like explored the dimensions of voluntary support."

On the pessimistic side is the American Council on Education which officially represents most of the Nation's colleges and universities. "After traditional sources of income, including student tuition and fees, have been stretched to the limit," the council has warned in a policy statement, "there will still be a large gap that can be filled only by greater support from the Federal Government."

The potential for voluntary support may perhaps be gaged by looking at forecasts for total philanthropic giving. Currently, Americans donate well over $8 billion a year to all causes—churches, charities, schools, and colleges—according to the American Association of Fund-Raising Council. The total doubled between 1950 and 1960, and thus rose somewhat faster than the country's gross national product. Churches get the biggest share, or 51 percent, and the second largest chunk, or 16 percent, goes to education—most of it higher education.

Right now total giving amounts to 1.6 percent of the country's gross national product, compared with 1.4 percent a decade ago. Most economists predict the country's gross national product will rise to at least $800 billion by 1970. Assuming no rise in the 1.6 percent gift rate, this would mean about $12.6 billion for philanthropy. But the total may be much larger if, as some fundraisers expect, generosity continues to increase along with affluence.

WHERE FUNDS COME FROM

The philanthropic money, then, will probably be there. Whether donors will apportion enough of it to colleges is another question. Some light on this can be obtained by looking at where the money comes from now. Currently, according to the Council for Financial Aid to Education, about 25 percent of college gifts come from alumni, 25 percent from wealthy individuals who didn't attend the recipient institution, 15 percent from business, 15 percent from foundations, 10 percent from religious denominations, and the remaining 10 percent from miscellaneous sources.

Leaving aside miscellaneous sources, college officials expect a continued slow decline in the proportion of gifts coming from religious denominations. They also expect slower growth in foundation giving, following a sharp spurt in recent years.

Business giving to education, mostly to colleges, has skyrocketed in the postwar period, to an estimated $178 million in 1960, according to the CFAE. That's four times the total in 1950 and 30 percent higher than business donations as recently as 1958. While impressive, the current figure works out to only one-third of 1 percent of total pretax corporate profits, fundraisers say. A fair share, they argue, would be the 1 percent now given by some pacesetting corporations.

Gifts from nonalumni individuals are a major question mark. The success of recent fund drives indicates there's still plenty of such money around, but it's not certain that such gifts will grow apace in the next 9 years. A similar question mark hangs over rich alumni. By far the most promising area for growth, fundraisers say, is the not-so-rich alumnus whom many colleges now approach regularly in annual giving campaigns. Currently, such annual giving accounts for only one-third of total donations.

Nevertheless, a survey by the American Alumni Council gives some idea of the untapped potential. Based on gifts in 1960 to institutions with 9.7 million living alumni, the study shows that only two-thirds of the alumni were contacted in annual giving drives, and of those contacted only 21.2 percent gave.

PRINCETON'S SCORE

Ernest T. Stewart, executive director of the AAC, thinks most colleges could easily raise that 21.2-percent figure to something approaching the 72 percent scored by Princeton.

Encouraging as it is, the giving picture nevertheless is spotty, college aids say. About half the money donated by business is earmarked for specific purposes such as scholarships or research. Only half is the sort of unrestricted money colleges are clamoring for, though this percentage is growing. Foundations, like corporations, have been reluctant to give money for capital expansion, though they have been more liberal of late in aiding development funds.

This is the principal reason why college men want Federal aid to take the form of matching construction funds. Nevertheless, many college officials still insist they could handle the expected influx of new students without Federal help if they had to.

"These fears remind me of all the hand wringing after World War I," recalls one university president. "Yet somehow the colleges managed to almost double enrollments during the 1920's—which is no more than they have to do during the 1960's—without Federal aid."

NEED FOR IMPROVED TEACHING OF ECONOMICS

Mr. MILLER. Mr. President, in the Wall Street Journal of March 19 was published an article relating to the recent recommendation of the Committee for Economic Development to expand the teaching of economics in our high schools. I ask unanimous consent that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDY GROUP URGES TEACHING OF ECONOMICS BE IMPROVED IN ELEMENTARY, HIGH SCHOOLS

NEW YORK.—The Committee for Economic Development, a private economic research

group, called for an intensive, coordinated effort by educators and the public to raise what it called the abysmally low level of economic literacy among the Nation's youth.

In an 11-point program designed to strengthen economics teaching in elementary and high schools, the CED called for the inclusion of at least a one-semester course in economics at the upper high school level. Its recommendations also included the enrichment of other courses such as civics and history with economic concepts and more emphasis on this neglected subject in social studies textbooks. It urged States to make courses in economics for teachers of high school social studies. Only 18 States currently have such a requirement.

In adopting its program, the CED endorsed, with some qualifications, a controversial new set of guidelines for high school economics teachers. These guidelines, published last September, were written by a seven-man task force of college economics professors and others established for this purpose at the CED's request. This document satisfies the purpose of defining the subjects essential for a reasonable understanding of the modern economic system and attainable by high school students, the committee said. However, it also declared that "we find ourselves in disagreement with some of (its) possible implications."

The qualified endorsement, on behalf of the entire CED, came from its research and policy committee, headed by Theodore O. Yntema, chairman of the finance committee of Ford Motor Co., and its subcommittee on economic education, headed by A. L. Williams, president of International Business Machines Corp. The task force preparing the controversial curriculum guide, entitled "Economic Education in the Schools," was headed by G. L. Bach of the Graduate School of Industrial Administration of the Carnegie Institute of Technology.

The CED is a nonpartisan group of 200 businessmen and educators whose periodic research reports are generally regarded as influential.

RESTRICTIVE FOCUS CRITICIZED

The CED didn't specifically disagree with any of the language of the task force report on economic education. However, it said that because of an excessively restrictive focus on economic problems the task force in effect stresses the possible inadequacies of the private section of the U.S. economy and fails to take a more affirmative position on the subject of personal freedom.

Specifically, the CED said, the task force report emphasizes possible inadequacies of the private economy that might be corrected by Government action without giving equal attention to possible inadequacies of the political process that might call for greater reliance upon the private economy. This approach could lead to undue acceptance of increased Government direction of the economy.

As for personal freedom, the CED declared, the task force report regards it as "one among competing values, of which the individual may want more or less. In the abstract, we cannot quarrel with this. But we believe deeply that personal freedom and freely chosen institutions are basic to our type of society and that these are values which would be emphasized to high school students."

After the task force report appeared last September, the CED noted, the task force sent the CED a memorandum stating its beliefs on personal freedom in practically identical language. This sort of language was not included in the study, the CED explained, because the task force assumed that the belief in personal freedom can be taken for granted.

The CED stressed that the task force report is intended only as a guide for teachers and is not intended to be studied in the schools. Study materials have been selected by another task force, it noted. "We are confident that the use of these and similar materials, combined with the balanced judgment of American teachers, will result in students being taught not only the economics essential for citizenship but an appreciation of the values of individual freedom." The task force report, it said, is already widely endorsed by educators.

NO REPORT CHANGES PLANNED

Mr. Bach, present at a Friday press conference along with Messrs. Yntema and Williams, was asked if the task force planned revisions in the report to preclude any future misunderstandings. "We do not intend to change the report in any way," he said. He stressed that the task force, although appointed at the CED's instigation, was subject to "no control whatsoever over what we said."

"The task force," Mr. Bach said, "was in no sense a group of economists chosen to make business people happy or labor people happy or anybody else." Changing the report to please one group, he said, would lead to countless revisions. "We have been rather amazed by some of the implications that have been drawn," he added, when in fact the task force implicitly agrees with the CED on personal freedom and other issues and "there is nothing to argue about here."

Mr. Yntema and Mr. Williams defended the report but voiced minor misgivings. The CED, Mr. Yntema said, was concerned about the report's treatment of some aspects of governmental activity. "It seems to me the Post Office isn't so efficient," he said. Nevertheless, he insisted that economics should be taught objectively to high school students. "I don't think economics should be a flag-waving thing," he said.

Mr. Williams said that "after soul searching I disagreed with some of the emphases and implications" of the report. For example, he said, he was disturbed by its references to the large blocks of inherited wealth that exist under capitalism. This initially made him wonder, he said, if the task force was against "people who work hard and build up some money and substance of our own * * * one of the things that make our system go around." Mr. Williams stressed that he found nothing to disagree with but that it was "the way it hit me" on first reading.

Dr. Bach said criticism had come from several quarters, including one man who accused the task force of standing up and defending the idle rich.

One difficulty in overcoming economic ignorance, the CED report said, is the shortage of high school teachers familiar with the subject. When one midwestern city recently decided to make economics a mandatory high school course, it added, about 300 teachers were needed, but only 17 qualified ones could be found. As a stopgap measure, the CED report said, the Columbia Broadcasting System next September will begin televising a 32-week course in economics consisting of 160 half-hour lessons. The telecasts will be aimed mainly at high school teachers.

The problem is mainly in primary and secondary education, the CED said, because only 10 percent of the Nation's youth finish 4 years of college and only a quarter of those take any economics courses.

OVERSELLING OF ADMINISTRATION PROGRAMS

Mr. MILLER. Mr. President, the lead editorial of the Wall Street Journal of March 16 is entitled "Overselling Everything," and to me it is right on the beam. It points out that the administration has been selling its programs, domestic and foreign alike, on the basis that not only are they sound economics and sound social philosophy, but also that if we do not have the programs we shall in effect be much weaker vis-a-vis the Soviets.

The Wall Street Journal editorial points out that programs can be oversold, if everything is placed in the setting of "What will the Soviets do?" or "How will this affect our position with respect to Soviet Russia?" instead of letting these programs stand on their own merits.

It is well known that in the last session of Congress, we were told that if we did not pass a foreign aid bill that would give the executive branch control over the purse strings through what is sometimes called back-door financing for 5 years, the whole foreign aid program would be, to use the word actually specified on the floor of the Senate, "gutted."

It is well known that in the conference committee the provision for 5 years' back-door financing was removed and the modified bill was passed. When the President of the United States saw the proposed legislation without the provision for 5 years of back-door financing, he stated that it was entirely satisfactory.

Now we have another foreign aid bill providing for $1 billion more than last year's bill provided. The President has said, in effect, that every last dollar provided in the bill is absolutely essential, and that it is as important to the welfare and the security of the United States as our national defense program. There is an old story about the little boy who cried "wolf" once too often. I for one think that on the basis of what we were told at the last session about the foreign aid bill and the provision for 5 years of back-door financing, which, when removed, left a bill that was still entirely satisfactory to the President, I suggest possibly the new foreign aid bill may be cut somewhat and still be entirely satisfactory to the administration.

I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Overselling Everything," published in the Wall Street Journal, issue of March 16.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OVERSELLING EVERYTHING

James Reston is a reporter with a perceptive eye for the phenomena of Washington and the other day he had some comments on the administration's habit of selling everything as if it were the promise of salvation from fire and brimstone.

The administration, for one example, is unwilling to advocate a lower tariff program simply because it is good economics and sound commonsense. It feels it must appeal to fear, fear of Soviet competition and the collapse of the American economy if the President can't cut the tariffs on widgets. And of course imply that if only Congress will do this, then all will be saved.

Well, these comments had hardly left Mr. Reston's typewriter before President Kennedy was again applying exactly this same technique at his press conference to sell his foreign aid program, $1 billion bigger than last year.

"I believe this program," Mr. Kennedy said, "is just as important as our national defense." The underdeveloped countries,

especially in Latin America, have staggering problems of poverty and unemployment, he explained. These countries are right in the line of fire of the Communists.

"If anyone feels these countries are unimportant," the President said, "or it does not make any difference if Latin America is taken over, or if significant countries are (taken over) by Communists, and if they are not interested in this fight, they should cut it."

So, you see, anyone who suggests a cut in foreign aid is threatening the national security, because a dollar for this is equated with a dollar for guns or atom bombs. Furthermore, if you question any of it that means you think all these countries are unimportant. You are the kind of person who thinks it doesn't make any difference if the Communists take them over. In fact, you are probably not interested in this fight.

The nonsense of all this, however, is not as bad as the reverse implication that if Congress will just approve this foreign aid bill then these countries will preserve their independence, the poverty and unemployment in these unfortunate places will be cured, and we will assure ourselves victory over communism.

This is not merely nonsense but a very dangerous illusion. It raises hopes beyond any possible chance of fulfillment, as anyone will know who reflects on the billions of foreign aid paid out over 15 years and the state of the world today. In Laos and Vietnam, for example, foreign aid has made hardly a dent in deep-rooted poverty and the security of their independence is today as precarious as ever.

How illusory these oversold promises are becomes especially clear in the reports from Latin America by our Mr. Evans, currently appearing on this page. The poverty and backwardness of some of these countries is thoroughly documented; so is the danger of Communist infiltration, some of it growing out of that poverty and backwardness. To this extent, the picture painted by Washington is not overdrawn.

Yet it is something else again to pretend that the magic cure is a mammoth injection of U.S. dollars. Or that a dollar spent for foreign aid serves equally to defend us as a dollar spent upon our own defenses. Or that if Congress curtails the administration's program the want of a dollar will be the cause of chaos and communism.

It shouldn't be necessary for us to say, although it probably is, that we are not opposed to foreign aid as such. Fifteen years ago this newspaper supported the program for Greece and Turkey, and encouraged the objectives of the Marshall plan in Europe. There are many ways today in which American aid can be effective both in helping other countries and in promoting our own interests.

It is the oversell of the program that is largely responsible for its scandals of waste and corruption abroad and the growing disillusionment with it at home. Worse, these things have combined to diminish its effectiveness. And worst of all, the American people are thus deprived of the sensible discussion that is essential if we are to act wisely in apportioning our efforts and our resources.

All this is as true of the tariff bill, or of medical and educational programs, as it is of foreign aid. Perhaps it is good politics for the administration to argue for every road or school appropriation on the ground, in Mr. Reston's phrase that "failure to build them will mean the triumph of communism for the next 100 years." But exaggerated promises and appeals to fear suggest a poverty of political leadership.

LAWRENCE O'BRIEN

Mr. MANSFIELD. Mr. President, in the New York Times of March 25, 1962, there appears an article by Edward P. Morgan entitled "O'Brien Presses on With the 'Four P's'." It is a study of Lawrence O'Brien, Special Assistant to the President for Congressional Affairs, better known to all of us as Larry O'Brien. It is an excellent article, Mr. President, and I would add to it only this: In the 20 years that I have been in Congress, I have never known a more effective Presidential representative on the Hill than Larry O'Brien. He understands the Congress as well as the needs of the Presidency and he has blended this knowledge into a conduct of his office which serves both the President and the Congress and, most of all, the interests of the people of the United States. He is the right man, in the right job, at the right time.

Mr. President, I ask unanimous consent that the article previously referred to be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

O'BRIEN PRESSES ON WITH THE "FOUR P'S"

(By Edward P. Morgan)

WASHINGTON.—In its first year, the Kennedy administration did surprisingly well in getting what it wanted on Capitol Hill—partly because it carefully did not ask too controversial a package. Congress passed a huge housing bill, approved a rise in the minimum wage, and voted extensive foreign aid.

This year promises to be different. The President has a much more ambitious program that he wants to get through Congress—and it is going to face recalcitrance if not hostility. Take, first, the bundle of priority bills for 1962: trade, medical care, tax reform, welfare, aid to higher education—every item is controversial. Second, these matters are of more concern to city than country populations, more national than sectional in interest, more liberal than conservative in tone. The task is to try to move this bundle through a Congress which is more conservative than liberal, more sectional than national in outlook and disproportionately dominated (especially in the House) by rural rather than by urban voters.

A formidable challenge in any session, this combination is even tougher now because 1962 is a nonpresidential election year in which the opposition traditionally gains seats in Congress. Such prospects make Congress more restive, more sensitive to local demands over national responsibility. Add the fact that the carrot of patronage was largely consumed last session and that in order to apply the stick deftly, the White House must work with a new—and so far bumbling—House leadership and cultivate new intelligence sources. That is a working outline of the administration's problem.

There are, of course, weighty factors on the White House side—the President's very high popular standing, his strong political prestige, his personal persuasive powers. The trick is to bring these factors to bear in the right place and at the right time as the new legislation comes up. And the key man in this tactical maneuver is Lawrence Francis O'Brien, the amiable, chunky, 44-year-old Special Assistant to the President for Congressional Affairs. Put more succinctly, he is the lobbyist for the White House on Capitol Hill, and he shows signs of becoming the ablest man in the job in years.

O'Brien prefers persuasion to playing tough. He believes the full facts on a bill can often be most persuasive in dispelling a Congressman's doubts and fears about it.

O'Brien's own zestful capacity for work seems, like his boss', inexhaustible. After checking the New York Times, the Wall Street Journal and the Washington Post at breakfast at home in Georgetown (where he and his wife Elva often entertain informally), he usually reaches his office shortly after 8 a.m., nearly an hour before the secretaries are due.

Depending on the urgency of legislation, President Kennedy may call him in once, twice, three times a day for consultation. They have no special schedule. "When you need him, you see him," O'Brien has said. "It's a total access kind of thing." Interspersed, with lunch on the fly, are long conferences on Capitol Hill with Senate Majority Leader MIKE MANSFIELD, Senate Whip HUBERT HUMPHREY, House Speaker JOHN MCCORMACK, House Majority Leader CARL ALBERT, House Whip HALE BOGGS, and assorted lobbyists.

If it's a Monday, it's time by late afternoon for O'Brien to pore over the 10-page memo compiled by assistant Claude J. Desautels from the weekly reports of Cabinet liaison officers. This goes to the President as the core of his intelligence for his Tuesday breakfast discussions with the party leadership. Often Mr. Kennedy likes to talk politics at the end of the day. It's a rare occasion when O'Brien's main workload is dispatched before midevening.

How does a White House lobbyist operate? What are his weapons? O'Brien's arsenal comprises, basically, the "four P's": Pressure, patronage, prestige, and personal contact.

He ranks the last first, on the proved theory that successful politics is a matter of personal relations. He knows everybody and his brother. He is aware of their problems and alert to their ambitions. He senses when he can trade a favor for a vote.

One of his most precious tools is an intangible one: the prestige of the Presidency. Instinctively, most legislators don't like to clash with the White House—especially when the Chief Executive is strong and popular.

O'Brien is playing to the hilt the remarkable rise in Mr. Kennedy's public popularity over the past year. All but a score of Democratic Congressmen had led the President in their districts in the 1960 voting. Thus their mood a year ago was one of "he needs us more than we need him." Now many Congressmen are having second thoughts about who needs them. Yet this is a fragile bond, easily broken.

If it falls, and if the issue is sufficiently critical, the heavy artillery of pressure and patronage will then be wheeled up. Sometimes patronage is more damaging when withheld than helpful when proffered. During the 1961 fight on foreign aid, one Congressman threatened to hamstring the bill if he didn't get a veterans' hospital for his district. He didn't—it was rejected as unsound—and he helped push the amendment which killed the President's key request for long-term borrowing authority. "The decision against the hospital," O'Brien said later, "was still right."

The pleas of favor seekers rain down constantly on the White House and most of them find their way to O'Brien's handsome wood-paneled suite on the second floor of the Executive wing. About 150 telephone calls alone come in daily from officeholders, officeseekers, State chairmen and plain citizens asking for Larry. No request, whether involving a dam or a White House tour, goes unacknowledged.

"We're digging in hard for you," O'Brien's able House liaison chief, a lanky North Carolina lawyer named Henry Hall Wilson, drawled to a Congressman on the phone recently. "We'll surely try to work it. We're for you."

Wilson, like his wise, Wyoming-born opposite number for Senate liaison, Mike N. Manatos, patronage specialist Richard K. Donahue and the whole staff is finely trained

in the O'Brien technique of avoiding out-of-hand rejection of congressional supplicants, if possible. "It's a hell of a damaging blow to a Congressman," one aid reflects, "to have to confess to a constituent with a pet project or a bothersome brother-in-law wanting a job that he hasn't enough influence even to get 1600 Pennsylvania Avenue to place it under advisement. But if he can honestly report it's 'under active consideration,' it may ease him off the hook."

Little kindnesses, common courtesies, dispensed under the magnifying magic of Presidential prestige, can do wonders to encourage congressional help. Not everybody can be budged. Nothing, for example, could deflect Louisiana Congressman OTTO PASSMAN from his one-man war against foreign aid. But O'Brien's personal thoughtfulness, coupled with the President's own winning personality and studied respect for his elders, has had astonishing results, especially with the southerners.

One of the more improbable of these Kennedy-O'Brien gestures involved Senator HARRY FLOOD BYRD, whose flamboyant failure to endorse Kennedy in 1960 clinched Virginia for Nixon, and whose contempt for anything but the most conservative policies is classic. But one Sunday last May when the Senator, a month before his 74th birthday, was giving a big luncheon for friends at his country estate, who should helicopter out of the sky but the President himself. The old Virginia gentleman was beside himself with pride and joy.

"Don't jump to conclusions," warned a liberal Senator later. "HARRY BYRD still opposes us. We'll never get his vote. But he's not sitting up nights now figuring out ways to be mean."

The conquest of CARL VINSON, Georgia's prestigious chairman of the House Armed Services Committee, was more complete. Republicans mutter darkly that VINSON'S surprisingly enthusiastic support of the Kennedy 1961 program—often carrying other southern votes with him—might have been more surprising or less enthusiastic but for the award of a billion-dollar Air Force contract for jet transports to the Lockheed plant at Marietta, Ga., a year ago.

O'Brien dismisses this with a snort as innuendo. He says the true reason for VINSON'S support is the simple fact that when John F. Kennedy was serving in the House, his office was near VINSON'S and the two used to walk to the Chamber together; the venerable southerner took a liking to the boyish Yankee and it has flowered into a fruitful political relationship between two vastly different but loyal Democrats—though the fight over the B–70 bomber has strained that relationship.

O'Brien keeps a card index of congressional whims, interests and voting records. With elections in the offing, he is delicately but unmistakably making clear to the Democratic National Committee and the campaign committees of both Houses that the White House has an interest—sometimes maybe even a controlling interest—in the funds dispensed to candidates for office. He has coordinated the politically significant functions of the executive branch to an astonishing degree. He has trained Cabinet and agency liaison officers to alert him on their projects, problems—and potential vacancies.

Not only intelligence but policy has been coordinated. At first, departments and the White House often reflected different versions on the Hill. Now the word is "the President's policy is our policy and the President's priority is our priority.

Behind him, O'Brien has the support, confidence and authority of the President. "You know what I want," his unspoken orders run. "Come as close to it as you can." After a decade of working closely with him, O'Brien does know what the President wants. In the tense, ticklish process of trading votes to unblock a bill, he knows how much the President is prepared to change or dilute.

O'Brien's attitudes are conditioned by his deep conviction that the President—only 6 weeks older than himself—has a capacity for greatness which he wants to help him realize. A Catholic who experienced the bitter anti-Irish feelings of western Massachusetts as he grew up, O'Brien knows the meaning of the term "minority group." But though his personal politics have evolved as moderately liberal, he sees himself as a kind of human bridge between the party's Old Guard and the New Frontier.

His approach has already assisted him across a moat of cold aloofness into a friendly working contact with the intricate personality of the new Speaker. Their relationship helps counterbalance the longstanding coolness between MCCORMACK and the President. This stems from past clashes in Massachusetts politics. Last year there was added strain from the issue of funds for parochial schools and their currently "correct" relationship is shadowed by the apparent inevitability of an open clash between the Speaker's nephew, State Attorney General Edward McCormack, whom he loves like a son, and the President's youngest brother, Ted, both of whom covet the Massachusetts Democratic senatorial nomination.

But O'Brien must concentrate his sharpest attention on the big show in the main tent. It will take all the talents he can muster to rally the leadership and the rank and file to make satisfactory legislative progress, especially to hoist into place the keystone of Mr. Kennedy's 1962 international design—a revolutionary trade bill to provide a way for the American and European economies to combine their strengths and flourish together.

The deepest trouble is not in the Senate. There, under the gentle but insistent hand of Majority Leader MANSFIELD, the Democrats can quite consistently manage to put together administration majorities. The deepest trouble is in the House, whose Members, in the acid words of one White House aid, have shown a capacity to perform "with about as much discipline as a bunch of Baluba tribesmen." A rightwing coalition of midwest Republicans and southern Democrats dominates the House. To win, the administration needs liberal Republican votes, but the sharp whipcracking of Minority Leader CHARLES HALLECK, a veteran of political infighting, can make this extremely difficult.

Whether the administration has begun this session with the right strategy is a matter of debate in Washington. It has already suffered a major defeat: congressional veto of the President's plan to add a Cabinet post for urban affairs with a Negro, Dr. Robert C. Weaver, now Chief of the Federal Housing Agency, as its first head. How effectively the issue can be raised to haunt Republicans in the big cities and among urban Negro voters—where Richard Nixon lost in 1960—remains to be seen.

But O'Brien knew from the outset that nothing would move easily, that success on major measures like trade liberalization and "medicare" for the aged would require fighting every inch of the way.

Larry O'Brien is, obviously, a political realist; like his chief, he believes that politics is the art of the possible. Son of a Springfield, Mass., hotelkeeper, he grew up in the turbulence of Massachusetts politics, joined forces with Congressman John F. Kennedy in his first run for the Senate in 1952 and has been sharing—and helping to enrich—the dazzling Kennedy political fortunes ever since. To the roots of his crewcut red hair, O'Brien's very being seems to throb with the pulse of politics.

A politician learns early that privacy is a luxury he can rarely afford, but O'Brien attempts to reserve Sunday afternoons for long walks along the old canal edging the Potomac or through Dumbarton Oaks, a lovely park near his home. He is usually accompanied on these sorties by Mrs. O'Brien, their 3-year-old Chesapeake retriever, named Jefferson-Jackson, and 16-year-old Larry Jr., who, though his father thinks he has a flair for journalism, is determined at this point to go into politics.

O'Brien's taste in literature is "relatively light stuff—blood-and-guts novels, including detective stories." He likes to catch a movie now and then but he almost never can make a favorite on its first run. Though he and the President are dedicated to each other, it does not seem strange to O'Brien that he does not travel with the egghead and society set to nonpolitical White House soirees. The two men don't discuss books or plays. They discuss their mutual interest, politics.

While legislators can be found who don't like O'Brien, their peeves are often variations of that well-known political aria, "Yes, but what have you done for me lately?" On the whole, the chorus of praise is hearty.

"Frankly," confides a Cabinet officer reared in the rough-and-tumble of State politics, "he is the very best of the White House pros. There are always a hell of a lot of idea guys available but the Larrys are hard to find. He knows that ideas are fine but that they're no damn good unless they can be translated into action."

An O'Brien aid puts it this way: "He has a great sixth sense of judging the change in a man as the situation changes. He understands that everybody is different and every congressional district has different problems. He knows that every Member of Congress tailors his vote this way: 'What does it mean to me?'"

There are New Frontiersmen, even in the White House, who feel the administration's pitch concentrates too narrowly on Congress, that the President should carry the issues more frequently to the people and build up pressure on the legislators in their home constituencies. O'Brien's answer is this:

"These Senators and Representatives, for better or worse, are here as elected representatives of the people and you've got to deal with them. Fireside chats are all right, but it's the intimate contact with Congress that really counts.

"Why does a Congressman vote the way he does? Of course he is vitally interested in the effect on his district but—and this may sound naive—I am convinced he considers the national interest, too. He travels both roads."

One of O'Brien's toughest tasks is to convince the legislator that the two roads converge. "You can't ask a Congressman to commit hara-kiri," he tells his staff. "Never try to 'con' a Member. Try to persuade him on the basis of the facts. Try to convince him that if he votes with us he won't get as much flak as he feared."

O'Brien's easy, friendly, but respectful approach is illustrated by a happening last January. As a kind of ceremonial exercise, Minority Leader HALLECK ran for the speakership against MCCORMACK, whose hallowed trappings of seniority and record of hard work made the outcome never in doubt. After the doughty Indianian had been beaten—248 to 166—he got a call from the White House. "I hope," chuckled Larry O'Brien, "that you'll let us win another one."

Both men knew that that first ritualistic decision of the session would be the last without a real contest, and they prepared in the good-natured grimness of politics to go to work—on each other.

RELAXED AMERICANS

Mr. YOUNG of Ohio. Mr. President, I wish to comment on the foreign as-

sistance program of the present administration. I feel that our President and the administration are deserving of credit for giving the program its proper name. When I first became a Member of the Senate, following the election of 1958, in the closing years of the Eisenhower administration, the program was called the mutual security program. It is properly termed a foreign assistance program. I am happy to see the present frankness and honesty to the American people.

Mr. President, I wish to say that I have had occasion to participate in study missions in the Far East, and more recently in a 26-day study mission in South America with three of my colleagues. We did not take with us tuxedos or dress clothes. We did not see the bright lights. In fact, we went to many places in South America where there was no electricity, including a trip more than 800 miles up the Amazon River into the interior of the continent.

In 1959 I was honored by appointment by the then Vice President, Mr. Nixon, to speak at the dedication ceremonies of some of our American military cemeteries in France, north Africa, and Italy, where I served in World War II.

While I was there I made many observations. More recently, I was appointed to the Inter-Parliamentary Commonwealth Conference in London, to serve as an observer. While in Europe, following the conference in London, I spent time on the Continent in various countries. Wherever I went I observed a great many relaxed Americans on the public payroll, feeding at the public trough, and in many instances living "high on the hog." This situation was particularly true among foreign aid program personnel and in the oversea Central Intelligence Agency operations.

I wish to address myself this morning to the subject of relaxed Americans. The American traveling abroad will be amazed and perhaps angered at the multiplicity of officials, advisers, observers, consultants, and other representatives of our country who are to be found in every corner of the globe. As a result of my investigations and study both here in Washington, and the world over, I intend to scrutinize most carefully the appropriations and the authorizations that come before us. I am certainly in favor of foreign assistance, and I realize the necessity of assisting our allies and friends. I am a great believer in the Alliance for Progress that has been inaugurated and which recently celebrated its first birthday.

I believe that this program will be one of the great achievements of a great administration. We have too long neglected our Central and South American neighbors. The good-neighbor policy of Secretary of State Cordell Hull in the Franklin D. Roosevelt administration was disregarded and virtually abandoned in the crucial 8 years from 1953 to 1961.

Commencing on January 21, 1961, the situation changed. We are proceeding with urgency in a policy of cooperation with the Republics south of the border. I feel that I greatly profited as a result of the study mission of 26 days in South America. We must proceed with greater urgency in lifting this program off the ground and getting it going without further delay.

Time was when American officialdom in foreign nations consisted solely of embassy and consular personnel. Now, in addition, we have the U.S. Information Agency—USIA, the Agency for International Development—AID, and so forth. The AID Agency should receive, in particular, the closest scrutiny not only from members of the Appropriations Committee, but of all Senators, because our taxpayers are sweating and sweating to pay for the tremendous expenditures involved in the AID program.

We have delegations to all sorts of international organizations, and representatives from virtually every Federal agency serving on special missions of one kind or another abroad. Then, in addition, we seem to have military missions in almost every nation. Wherever an American travels anywhere overseas, he finds military missions in almost every nation. In fact, I know of no nation where we do not have one.

In various cities of South America and the Far East I experienced wonderment at the huge number of relaxed Americans on the Federal payroll. Many of them, particularly in our foreign aid program, which in the Eisenhower administration was termed ICA—International Cooperation Administration—and before that the Mutual Security Agency, appear to be living "high on the hog." Their salaries and fringe benefits are excellent, and their social life seems to be very active.

The U.S. Information Agency has over 8,000 officials and employees overseas and nearly 3,000 within the United States. In the aid program there are over 6,000 officials and employees abroad and another 2,200 here at home. The State Department employs approximately 24,000 persons, over 16,000 of them in our embassies and consulates abroad.

It is a fact that there are many, many dedicated, hard working Americans serving overseas for our State Department and the various initialed agencies. It is difficult to keep track of all these alphabetical agencies. However, if the trend continues, if we disregard the huge expenditures or fail to scrutinize them very carefully, and if we do not try conscientiously to reduce them, I feel we shall soon be able to lump all of these agencies into one big agency called I O U.

It is my conviction—and I am sure this view is shared by many persons in the Government, that at least 10 percent of our employees abroad could be and should be eliminated. Not only would this result in a saving of taxpayers' money, but undoubtedly these agencies would function better. It would be a good idea if the top officials of these agencies would adopt a policy of gradual attrition regarding these relaxed Americans. When resignations and retirements occur, such vacancies should go unfilled unless it is determined in individual cases by a top-level departmental committee that this would impair or prejudice governmental functions. I would urge that this procedure be carried on until the personnel of these agencies had been reduced by 10 percent.

Mr. President, a tremendously important but probably overstaffed governmental agency is the Central Intelligence Agency with offices in Washington and a huge headquarters complex across the Potomac River staffed with thousands of officials. The main function of many of these officials seems to be to send communications to each other.

Beside the thousands of CIA officials and employees in Washington and vicinity, there are, of course, many more thousands of intelligence agents, employees, officials, and technical men and women, functioning throughout the world. This is an extremely important Agency of our Government. Nevertheless, George Dixon, famed Washington columnist and author, is so right when he recently wrote:

> CIA has so many employees now it has had to stagger working hours so our spies won't paralyze traffic on the Potomac bridges.

The total number of CIA employees has not been disclosed. Of course we know that they are working in practically every country of the world, as they should be, rendering an important service.

However, may I cite a personal observation in one of our embassies in a Central American country, which I visited late in the Eisenhower administration. In November or December of 1959, an economy program had been instituted, under which a 10-percent cut in employment in the various embassies had been ordered. The Ambassador apologized to me because there were only two automobiles in service in that Embassy, and told me of a particular incident with a feeling of shame. On orders from Washington a CIA agent was assigned to his embassy. Here was an embassy which was short of automobiles, with only two old ones available for its use. It was also short of personnel by reason of the reduction in force order and was compelled to discharge two loyal employees, natives of the country. It was a matter of great regret to the Ambassador that he had to do this. He felt their discharge would make for a great deal of adverse feeling toward us in that country.

On the same day that he was compelled by orders from Washington to let these employees go, he had to place the CIA official on his staff as a clerk. This official was pretty far down on the totem pole, so to speak, the seventh or ninth employee on the Embassy staff. This CIA agent, who was supposed to be employed as an obscure clerk in the Embassy, arrived with a 1960 Chrysler automobile. Not only that, but he brought his secretary along, and she had a late model Chevrolet. These two new automobiles made a sudden appearance at the Embassy, which up to this time had only two old cars. The Ambassador stated to me:

> The officials of the Soviet Embassy are not exactly stupid. That's a giveaway. It is so obvious to anyone. I don't like it.

It is instances such as this that call for greater congressional control over this vital Agency.

The total number of CIA employees has not been disclosed. There are at present at least 3,000 employees at the new CIA headquarters at McLean, Va., according to an official of the Soviet Embassy in Washington, who readily answered questions put to him. I am sure that you and I, Mr. President, would not undertake to answer such questions, and we could not answer them. But the question was put to the Soviet Embassy official, and, according to George Dixon, the official stated that the number is now 3,000 and will be increased to 11,000. For the sake of the taxpayers, let us hope that the Soviet Union is wrong once again.

The CIA is our most hush-hush Agency, as it should be. Everything about it is kept undercover. The nature of its operations requires this. Taxpayers are paying many millions of dollars for the maintenance of this vital Agency and are entitled, at least, to reliable assurance that the money for the CIA is at all times being spent wisely.

Seven years ago the Hoover Commission recommended a joint Senate-House watchdog committee for the CIA, but primarily because officials of the CIA itself opposed it, this recommendation was never implemented. We hope that the thousands of employees of the Central Intelligence Agency are doing the work they are supposed to do and are performing their important duties in a superior manner in this grim period of international anarchy.

We want CIA employees to perform their important duties in a satisfactory manner, but we, the elected representatives of the people, have no way of being assured of this fact. To the contrary, over the past 2 years we have seen ample evidence to cause us to doubt the efficiency and good judgment of employees and officials of the CIA. I would rather not go into detail. I am sure all Senators know the things to which I am referring, but to which at this time we would prefer to give the charity of our silence. But we have reason to doubt the past performance of officials and employees of the CIA and to question whether they showed good judgment.

Congress should have at least some watchdog authority over the CIA, not only because of the taxpayers' money involved, but because the competence of this Agency and of the people it employs is vital to our national security.

Mr. President, the problem of overemployment in the Federal Government is a nagging one, one which continuously plagues us. It should be dealt with drastically at all levels in every Government department. With our foreign assistance programs coming under ever-increasing criticism, we must be constantly vigilant in dealing with problems involving agencies which handle oversea commitments. I refer to the ever-increasing criticism which is coming from our constituents. We should pay heed to their criticisms, because it appears to me that many of them have justification. The heads of these agencies should take immediate action to put their agencies above reproach in this regard. They should start by reducing unnecessary personnel working abroad who are living well at the expense of American taxpayers.

Mr. YOUNG of Ohio. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Without objection, it is so ordered.

MORE ADEQUATE AUTHORIZATION FOR NATIONWIDE FOREST SURVEY

Mr. STENNIS. Madam President, my remarks this morning will be a continuation of the remarks made heretofore with reference to the supposed motion which is intended to be made, should the resolution be taken up, to offer as an amendment to the then pending resolution a proposed constitutional amendment. Before I discuss that, I wish briefly to discuss some matters extraneous to the subject.

Madam President, on behalf of myself and my colleagues from Mississippi [Mr. EASTLAND] and Vermont [Mr. AIKEN], I introduce, for appropriate reference, a bill to provide more adequate authorization for the nationwide forest survey which is conducted by the Forest Service.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3064) to amend section 9 of the act of May 22, 1928, as amended, authorizing and directing a national survey of forest resources, introduced by Mr. STENNIS (for himself, Mr. EASTLAND, and Mr. AIKEN), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. STENNIS. Madam President, the bill would amend the McSweeney-McNary Forest Research Act of 1928 by eliminating from section 9 of the act the limitation on annual appropriations for resurveys.

The forest survey provides an inventory of our forest land and timber resources. It provides the basic facts on the extent and condition of forest land in all parts of our Nation such as the rate at which new forest land is added due to tree planting of fields taken out of agriculture, and the rate at which land is taken out of forest production for reservoirs, highways, and agriculture. Of even greater importance, the survey provides the facts on volume and quality of timber and the rate at which timber is growing or is being depleted by industrial use. The forest survey serves a very practical and significant purpose. It provides the essential information needed by industry on the timber raw material supply by region, State, and locality. Our forest products industries, as a group, are the fourth largest in the Nation. Therefore, they contribute heavily to the welfare of our country's economy. Industrial expansion and the future of our forest products industries in turn depends heavily upon this nationwide forest inventory being kept up to date.

The trouble now is that it is impossible for the Forest Service to keep this forest inventory sufficiently up to date to satisfy the need and the great demand for it. The present ceiling of $1,500,000 annually was established by the Congress in 1949. Since that time, costs of the forest survey have risen substantially. Our proposed bill would remove the ceiling and permit appropriation of funds as needed to keep the forest survey up to date.

The program about which I have spoken is one of the instances in which money appropriated by the Federal Government will be returned manifold to the Public Treasury because of the increased yield, and therefore the increased money return from the national forests due to the good management and businesslike disposition of the forest products that go into the markets of the Nation.

In amount of money the program is relatively small, but it is highly essential that we have the proposed surveys and, for the reasons assigned, the present sum allowed by law is not sufficient.

RETIREMENT OF RICHARD E. McARDLE, CHIEF OF THE U.S. FOREST SERVICE

Mr. STENNIS. Madam President, on March 17 Richard E. McArdle retired as Chief of the Forest Service in the U.S. Department of Agriculture. I believe we should acknowledge as a matter of record the outstanding contribution of Dr. McArdle's 39 years in the Forest Service to the forest conservation programs of this country. Indeed, if it were not for his tireless efforts over the years the forests of this Nation would not be in the condition we find them today, as the mainstay of all our natural resources.

I have a great personal interest in Dr. McArdle's career because of my close association with forestry over the years. Forests provide the raw material for a major industry in my State and I have been close to the development of this activity. Also, I have been closely associated with many forestry matters considered by the Congress. In 1953, I was appointed to the National Forest Reservation Commission—a post I still hold today—and became acquainted with Dr. McArdle, then in his second year as head of the Forest Service. We got to know each other well through the work of this Commission and my personal interest in the forest resources of the Nation. I consider my association with him one of the finest experiences I have had with a career employee in the Government. He truly exemplifies the best in career service in Government today.

During Dr. McArdle's 10-year service as Chief he built a strong organization

of forestry research scientists—strong in their skills and strong in their dedication to the difficult tasks they face. A great deal of competence has been brought together in the Forest Service's national forest and State and private forestry organizations, too. In fact, under Dr. McArdle's stimulating guidance, the Service has become noted for its competence and its highly skilled people. This achievement will last a long time and is certainly one of Dr. McArdle's greatest contributions.

As head of his agency, Dr. McArdle has established a national reputation for leadership and foresight in the careful planning of forestry programs under his responsibility. The development program for the national forests sent the Congress last year by the President is an example of a well planned and coordinated program to make these valuable public properties meet the rapidly expanding public needs for more timber production, watershed management, grazing, and more and better recreation and wildlife opportunities.

I refer not merely to the land owned by the Government itself in what we call the national forests, but also all of the program, work, and foresight that have been extended over and magnified many times in the privately owned forests and the privately owned forest industries of our Nation.

Mr. ALLOTT. Madam President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Colorado.

Mr. ALLOTT. I thank the Senator from Mississippi. Listening to the presentation of the Senator from Mississippi, and being present in the Chamber, I would feel very remiss if I did not join the Senator from Mississippi in his praise of Dr. McArdle. The advances that our country has made under him in the forest program in the past 10 years with respect to sustained yield and production exemplify in the best possible way the true purposes of conservation, which are not only to conserve what we have but to build for the future. As a member of the Committee on Interior and Insular Affairs and the Committee on Appropriations, I have been keenly interested in both of those fields. Upon Dr. McArdle's retirement I certainly would like to thank him in behalf of the people of the West for the great contribution he has made toward the building up of a true concept of conservation particularly with respect to our national forests. I appreciate very much the kindness of my friend from Mississippi in yielding to me so that I can join him in his words of praise, which I think are very well deserved.

Mr. STENNIS. I thank the Senator. I know of his continuing interest in the Forest Service, our national forests, and the forest industry. I know that he is quite helpful in connection with the program.

In a tour that I made of western Forest Service installations and the National Forest Service a few years ago I found some of the examples of the work of the Forest Service in the State of Colorado. I was impressed there, as well as elsewhere, with the fine spirit of cooperation and active personal dedication on the part of the National Forest Service employees. I think Dr. McArdle and his fine staff, here as well as in the field, are entitled to great credit. The wonderful spirit to which I have referred extends down to the most recently employed man who works out in the woods—truck drivers, men who build the roads, and all the other workers engaged in what we sometimes thoughtlessly call menial labor. The heart and spirit of the great Forest Service are present in those men.

It all makes for strength. I think it is one of the departments of Government which is operating at its very best.

Mr. HILL. Madam President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Alabama.

Mr. HILL. I join with the distinguished Senator from Mississippi and the distinguished Senator from Colorado in expressing appreciation to Dr. McArdle for the wonderful work he has done and the fine leadership he has given us in the conservation of our forests and in the building of the forests for our country in the days that lie ahead.

Mr. STENNIS. I thank the Senator from Alabama very much. I know of the fight he has made, in the Appropriations Committee particularly, as well as elsewhere, in connection with this important service of our Government. I know of his interest in the forest industry in the great State of Alabama with reference to the pine trees that grow so fine and so fair.

In one activity of the Forest Service I am particularly proud of Dr. McArdle's achievements. Not only has he been noted for his accomplishments in developing the national forests and national grasslands but he has had an outstanding career in forestry research. He began his Forest Service work as a research scientist and contributed in many ways through his skill as an investigator. Following his years of personal scientific research, he became a director of broad and complex research programs. He served with distinction as director of two large regional forest experiment stations.

Yet, Dr. McArdle has contributed through his farsighted leadership in an even more outstanding manner to the scientific progress of forestry. It was because of this interest that I became aware of Dr. McArdle's leadership in forestry research. As I traveled around the country, I have learned of many of the problems that require the skills of scientists for their solution. I have seen the type of technological progress underway. Thus, I have developed a great respect for the Forest Service men who are solving these pressing problems.

The leader in the formulation of this forestry research program has been Dr. McArdle. He deserves great credit for the development of the short-term forestry research plan that was presented to the Congress 3 years ago. This program, recently revised, charts the course for future progress in forest technology. It will provide the knowledge necessary to move us ahead in forest production, protection, and utilization. Without Dr. McArdle's foresight, judgment and leadership this forestry research program would never have come into being. I pay tribute to him for his perception and skill in the forestry research field.

So far, I have spoken of his accomplishments for his agency—the Forest Service. This outstanding record has not gone unrecognized. Dr. McArdle was elected president of the Fifth World Forestry Congress in 1960, the highest post in the field of international forestry. This was the largest conference of its kind ever held. In addition to numerous honorary degrees he has received the Department of Agriculture's highest honor—the Distinguished Service Award, the Rockefeller Public Service Award, the Silver Buffalo Award of the Boy Scouts of America, and the President's Gold Medal for Distinguished Federal Service.

In closing, I want to commend Agricultural Secretary Orville Freeman in his selection of Edward P. Cliff as the new Chief of the Forest Service. Mr. Cliff is well known to many of you and is a career professional forester of 32 years with the Forest Service. I am sure that under his guidance the Forest Service will continue to serve the needs of all Americans. My sincere congratulations to Dr. McArdle on his retirement and best wishes for Chief Cliff in his new position as head of the Forest Service

I ask unanimous consent that an editorial on Dr. McArdle's retirement, printed in the Washington Evening Star of March 19, 1962, be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROTECTOR OF FORESTS

Retiring voluntarily from his post as chief of the U.S. Forest Service, Richard E. McArdle leaves a record of distinguished service as a protector of America's remaining forests. Few men have won such wide recognition, nationally, and internationally, for their work in the field of conservation of our natural resources.

Dr. McArdle, in his 10 years as Chief Forester, gave energetic leadership to the causes of improved forest management, forest research, wildlife development, outdoor recreation and related activities. He represented the United States in world conferences on conservation and was a founder of the North American Forestry Commission. He will be sorely missed at the Forest Service. Fortunately, however, he will be succeeded by Edward P. Cliff, a colleague who also has distinguished himself in forest conservation. Chief Forester Cliff, a veteran of 32 years in the Forest Service, is well fitted by training and experience to carry on the work so ably done by Dr. McArdle.

THE ALEXANDER HAMILTON NATIONAL MONUMENT — AMENDMENT TO THE CONSTITUTION DEALING WITH POLL TAXES

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD], to proceed to the consideration of the joint resolution (S.J. Res. 29) providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument.

Mr. STENNIS. Madam President, I now return to the matter that is pending before the Senate, to express my personal concern and interest not only in the subject matter of the proposal, but with respect to its, in effect, being displaced immediately, and in its place substituted a proposed constitutional amendment. In addition to the substance of the proposed constitutional amendment, I submit to the Senate and to the thinking people of this Nation that the great Senate of the United—and I use the word "great" in its very best sense—the great Senate of the United States is embarking on an uncharted and unknown field which I personally believe will prove to be a reckless field and which will beset us with bad precedents later if we try to embark upon that serious matter of submitting a constitutional amendment by this unseeming and unwise method, and by sheer force of numbers alone ram through a proposed constitutional amendment, riding the back, so to speak, of the legislative enactment of an extraneous subject.

Mr. MANSFIELD. Madam President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the distinguished majority leader.

Mr. MANSFIELD. I think it ought to be said, when it comes to the question of ramming through anything, that the Senator from Mississippi [Mr. STENNIS], now speaking, and the Senator from Alabama [Mr. HILL], who seems to be getting ready to carry on some more activity, are doing an extraordinary job themselves.

I point out to Senators that we have been on this matter of taking up a joint resolution for over 2 weeks, and that, to the best of my knowledge, certainly during my years in the Senate, and on the basis of the precedents which I have looked into, nowhere will we find two greater bulldozers, perhaps I should say bulldoggers, on this particular proposition than the Senator from Mississippi [Mr. STENNIS] and the Senator from Alabama [Mr. HILL]. They have made life not miserable, but certainly uncomfortable. They have been tenacious, persevering, and on the floor of the Senate every minute that we have been in session over the past 2 weeks. I express the hope that we can get to the matter of taking up Senate Joint Resolution 29, having to do with Alexander Hamilton's home, very shortly, because I wish to say that these two Senators are certainly holding my feet to the fire and I think also the feet of the Senate as a whole.

I do not know what is going to happen if and when we take up the resolution. However, I express the hope that we will have that opportunity sometime soon, and I would say to the Senator from Mississippi that I feel that my feet and the Senate's feet have been burned enough.

Mr. STENNIS. I thank the Senator for his remarks, as far as they go. I deeply appreciate, as does the Senator from Alabama also, I am sure, what the Senator has said. On the matter of saving time for the Senate, I would say to the Senator from Montana that if he would just withdraw his motion to take up the joint resolution, and withdraw all support to the idea of adding a constitutional amendment to it, the Senator from Alabama and the Senator from Mississippi would yield very quickly and get out of the way, so to speak, around here.

Mr. MANSFIELD. Madam President, will the Senator yield further?

Mr. STENNIS. I am glad to yield.

Mr. MANSFIELD. As always, the Senators from Alabama and Mississippi drive a hard bargain. However, there will be no bargaining on this proposal. We will stay with the matter until it is settled one way or another. We certainly would not want to see all of the illuminating debate which we have heard during the past 2 weeks go for naught by withdrawing the motion to take up Senate Joint Resolution 29. I am sure the Senator understands my position, as I do his, and I only hope he will get off my back long enough to allow the Senate, after 2 weeks, I repeat, to get down to the pending proposal. The Senator from Mississippi has faced up to his responsibility far more effectively than I had anticipated. It is now the time, long past, in my opinion, for the Senate to face up to its responsibility.

Mr. STENNIS. I thank the Senator. Let me say that I used the expression "ram through" more with reference to sheer majority vote to transgress what I believe are the good rules of the Senate, and then, of course, with reference to the two-thirds vote to adopt a proposed constitutional amendment.

But back to my remarks concerning the procedure which it is proposed to have the Senate adopt. At best, it is a kind of legislative hocus-pocus. With all deference to everyone concerned, it shows a lack of integrity for Senate rules and the functions they are supposed to perform. With the increasing pressures from various sources for this or that piece of legislation, with various organized groups knocking at the doors of Congress more and more every year, and especially after every presidential campaign and every congressional campaign, the Senator from Mississippi believes that if we are to continue effectively our representative form of government, instead of tearing down the integrity of our rules, there must be a building up of the prestige and sanctity of the ordinary channels and functions which relate to the passing of a measure. I think we are becoming more and more careless at every session by resorting to procedures of this kind, by seeking to do indirectly the things we cannot do directly.

Mr. HOLLAND. Madam President, will the Senator from Mississippi yield for a question?

Mr. STENNIS. I yield for a question.

Mr. HOLLAND. Does not the distinguished Senator believe that when 68 Senators, more than two-thirds of the total membership, have offered a proposed constitutional amendment, and when that number is more than enough to submit the constitutional amendment, they should have the privilege, at long last, after many years, to have the Senate itself pass upon their proposal?

Mr. STENNIS. From the investigation which the Senator from Mississippi has made, and merely taking the information he has obtained on this question from Senators whose names appear on the resolution, he is fully satisfied that they did not understand the import or the origin of the measure when their names were placed on the proposed amendment. That has become well known during this debate. Senator after Senator has spoken against the proposed amendment in the strongest kind of terms, Senators who in previous years have signed the measure as cosponsors. They are Senators whose high sense of public duty and integrity cannot be challenged in any forum. They have said that this proposal at one time was a matter of strategy, a defensive movement, but that the situation has now changed.

As one Senator who has attended many conferences over the years since becoming a Member of this body, I can add my small voice to what has been said along this line, namely, that the original submission and signing of the constitutional proposal in past years was well known to have been—certainly among many Senators—a purely defensive measure, a matter of strategy. Now that a little life has been breathed into it in that way, it simply keeps on running.

Further in answer to the Senator from Florida, the main weight, the chief blessing, and the only political support this matter has received is due to its having been mixed up with the civil rights political question, which is almost nationwide and is under consideration. Therefore, I do not think the Senate ought to pass this proposal or to vote on it if it has to come through the doors it is now coming through.

Mr. HOLLAND. Madam President, will the Senator further yield for a question?

Mr. STENNIS. I yield for a question.

Mr. HOLLAND. The Senator from Mississippi by his comment that several Senators who were cosponsors of the measure in earlier years have taken the floor to speak against it does not mean to suggest, does he, that any of the 68 present cosponsors of the measure have taken that position?

Mr. STENNIS. The record will speak for itself as to who has done so; but I have talked to some of the present authors of the resolution and have no doubt in my mind that they have somewhat different views about it from what they had when their names were signed to the measure.

I can further testify that this proposal was circulated through the Senate in the early days of the 1st session of the 87th Congress—that is, in January 1961. It was passed around among Senators, at least on this side of the aisle, by an employee of the Senate, and thereby the inference, at least, was that it had the blessing of the leadership of the Senate—whch it might have had at that time.

Nevertheless, to secure names to a proposal for a constitutional amendment by having it passed around on the floor

of the Senate by a Senate employee was, the Senator from Mississippi thought, dangerous business; it was a practice which ought not to have been indulged in. The Senator from Mississippi happened to come upon the floor of the Senate at that very time and saw what was taking place. He immediately notified the majority leader, the Senator from Montana [Mr. MANSFIELD], of his objection to it, and the Senator from Montana immediately stopped the activity.

I am not attacking the Senator from Montana or the Senator from Florida. I simply say it was a looseness in the way of doing business.

Each individual Senator—including the Senator from Mississippi—should be more closely on guard concerning what he signs as a coauthor or cosponsor. Certainly we ought to be more on guard about the activities of the employees of the Senate, who are supposed to represent all of us, not merely one or two, or a few, in going around and drumming up cosponsors of measures.

Mr. HOLLAND. Madam President, will the Senator from Mississippi further yield?

Mr. STENNIS. I yield.

Mr. HOLLAND. Is it not true that before the introduction of the present proposed amendment early in the 1st session of this Congress, the Senate had considered exactly the same measure in 1960 and had adopted it by a vote of 72 to 16?

Mr. STENNIS. The Senator from Florida is correct. The RECORD shows that. However, there is much that could be said about how that vote came about and the strategy employed in that instance. But I shall not go into detail except to say that the proposed amendment never passed Congress, even though it passed the Senate. I appreciate the interest of the Senator from Florida in this subject. I know he has worked hard and diligently on it—too hard, I think; but he is the Senator to decide that, of course.

To return to the subject of the integrity of the Senate, I do not believe we could have more grave questions coming before us, regardless of the subject, than questions concerning the integrity of our legislative functions.

Without adverting to it too much, the Senator from Mississippi has been engaged in a considerable study for the last several months regarding a question upon which he anticipated he would have to rule. It concerns executive privilege in the giving of testimony before a legislative committee. I was interested in legislative privilege. We are members of the legislative branch of the Government. We are directly responsible. Of course, the President of the United States is, too. However, the legislative branch of the Government, those who hold positions directly responsible to the people—the Members of the House every 2 years, the Members of the Senate every 6 years—has privileges. The judicial branch also has privileges, as does the executive branch. It is very refreshing to make a full study of the precedents as they have developed over the decades and to observe that, in the final analysis, one branch of the Government has never been successful in overriding another with reference to privilege.

The Supreme Court of the United States could not take files from the humblest subcommittee of the Senate, whereas the Senate could not take certain things from the courts or from the executive branch. I have increased appreciation for the legislative privileges and functions of our truly great form of government. If we do not enforce these privileges and if we do not have a proper sense of high obligation for our own rules and if we do not fully live up to them and maintain their integrity, of course no one else will, and no one else will respect them; and then the legislative branch will not be able to carry on very long with its proper functioning.

Furthermore, Madam President, it is actually a sad fact of life that some Members will make an effort to substitute for this small legislative bill a constitutional amendment; and some Members favor proceeding, if necessary—so I understand—actually to apply cloture to the motion to have the Senate take up this measure—a measure to which there is no opposition; but certainly it has no high rating on the priority list of proposed legislation at this session. Yet some Members actually would have cloture applied to the motion to have the Senate take up the bill—not for the sake of the bill itself; no, Madam President, a thousand times no. On the contrary, the purpose in that connection is the ulterior one of applying cloture in order to have the Senate take up a poll-tax constitutional amendment, a measure which in itself is not the subject of any particular or large amount of interest or any particular demand. But the point is that it is a part of the so-called civil rights program. That is the only issue here; everything else is tail to the dog.

Mr. HILL. Madam President, will the Senator from Mississippi yield to me?

Mr. STENNIS. I am glad to yield to the Senator from Alabama.

Mr. HILL. Is it not true that cloture is a very unusual and very extraordinary procedure, one which has been resorted to by the Senate on very few occasions; and is it not also true that for many, many years the Senate had no rule XXII providing for cloture?

Mr. STENNIS. The Senator from Alabama is correct. The history of this matter is well known. Freedom of debate in the Senate is considered sacred ground, and is considered so essential to the proper operation of the Senate that for many, many years there was no rule XXII. But even after there was a rule XXII, cloture was most sparingly exercised. Yet, Madam President, some Members favor invoking cloture in connection with the matter now before us—not the Alexander Hamilton National Monument bill or the poll tax in a few small States, but part of the civil rights program.

Furthermore, if I may say so, the Senator from Florida [Mr. HOLLAND] is in the forefront, leading the pack in this attempt, whereas ordinarily he fights hard against the imposition of cloture. But I believe he has become obsessed with the idea of ending the poll tax, and that obsession is carrying him along—carrying him so far that he is finding himself in the position of favoring the invoking of cloture—a position very, very contrary to his usual conception of the proper way for the Senate to function.

But, Madam President, the important point for us to bear in mind is that the course which some Members now advocate would result in turning the Senate aside from proper observance if its rules and proper functioning under its rules and procedures and the maintenance of their integrity, and would substitute, in accordance with the wish of some Members, consideration of such a constitutional amendment; and some Members would go so far as even to have cloture invoked, in order to have the Senate take up this measure.

Madam President, at this session we have had a good illustration of real legislative statesmanship at its best, and also, I believe, executive statesmanship: The President of the United States had a reorganization plan which he wished made valid, and he wanted it to run the gantlet. So he pressed for action on it in Congress. I believe he made a mistake of judgment in that connection; but, at any rate, that was his decision. A Senate committee was considering that proposal, but some of its proponents got in a hurry. However, at least they came in the front door. They made a direct motion to have that proposal withdrawn from the further consideration of that Senate committee; and thus the issue was squarely presented in terms of the matter of procedure and the maintenance of the integrity of the rules of the Senate. When the vote was taken, the Senate stood squarely in favor of maintaining the integrity of those rules. The Senator from Florida [Mr. HOLLAND] was greatly concerned about that matter; and he stated here on the floor, in substance, that it is essential that the integrity of our rules in connection with committee procedure be maintained. And the Senate voted to do just that.

Mr. HOLLAND. Madam President, will the Senator from Mississippi yield to me?

Mr. STENNIS. I yield.

Mr. HOLLAND. Does not the Senator from Mississippi think there is a considerable difference between that situation and the present one, in that the Senator from Florida has for 14 years been trying to get this matter before the Senate; and the subcommittees of the Committee on the Judiciary have uniformly approved it and reported it favorably to the full committee, but never have been able to get any action on it through the full committee, despite the fact that it was well known that every year and every time a majority of the full committee favored this course; and also despite the fact that approximately 60 Members of the Senate have joined in cosponsoring this measure, but still have found it extremely difficult to obtain action on it from the full committee, even though the subcommittee headed by the

Senator from Arkansas [Mr. McCLELLAN] had proceeded speedily and diligently in the effort to fulfill its duties and to give the Senate the benefit of its judgment?

Mr. STENNIS. Madam President, I would say to the Senator from Florida that of course there are always differences of opinion in regard to what is the proper procedure in any situation; but certainly the attempt to have the Senate take that matter from the committee which had jurisdiction of it was a direct assault, as then proposed by the Senator from Montana [Mr. MANSFIELD]; and in that connection each Senator—including, of course, the Senator from Florida—could vote as he saw fit.

I realize that it is possible that because of the great interest of the Senator from Florida in the matter we are now discussing, it could be that his best judgment would be overwhelmed to such an extent that he would vote to discharge the committee from the further consideration of the matter. But at least in that case there was an opportunity for a direct vote by Senators and a direct choice by Senators; and, regardless of the outcome of that vote, the integrity of the rules of the Senate would be upheld—as it was upheld.

But in the present instance, an indirect attempt is being made; and that attempt does the rules of the Senate no good and does the integrity of our system no good. In fact, it does them positive harm.

Again I emphasize that no attempt is now made to have the Senate consider the merits of the proposal. Instead, the entire attempt is made in connection with the so-called civil rights program, and that is what gives this matter impetus.

Mr. HOLLAND. Madam President, will the Senator from Mississippi yield further to me?

Mr. STENNIS. I yield.

Mr. HOLLAND. Is it not true that the distinguished majority leader [Mr. MANSFIELD] gave full notice, ahead of time, that his effort, in connection with the calling up of this particular measure, would be to get a vehicle for the attachment of the constitutional amendment; and is not that why the distinguished Senator from Mississippi and his colleagues have held up the taking of action by the Senate for nearly 2 weeks now, in an effort to prevent the Senate from taking up this vehicular bill?

Mr. STENNIS. The Senator from Florida is correct when he says the Senate was given full notice in regard to what the procedures would be; and I commend the Senator from Montana [Mr. MANSFIELD] and also the Senator from Florida [Mr. HOLLAND] for that; and I know they would not consent to anything less. Of course, with anything else the Senate could hardly operate as a body.

But, Madam President, of course we are opposed to the proposal for such a constitutional amendment; we are not opposed to the Alexander Hamilton National Monument bill, as such. But the point is that if the course now advocated by some Senators is followed, we shall be violating our own system and we shall be casting aside our own procedures and we shall be trying by an indirect way to accomplish such a result—thereby establishing precedent after precedent that would plague us.

Madam President, I point out that in all the history of our Government, never before has an attempt been made to add to a legislative act—which, of course, has to be signed by the President of the United States, after its passage by majority vote by both Houses of Congress—a proposed constitutional amendment. So if a majority of the Senate votes to have the Senate take up this matter at this time, I hope there will be full and enlightening debate in regard to that very grave subject.

When we consider the seriousness of every word in our Constitution and the seriousness of amending it, certainly it is out of keeping with the spirit of that great document for us to resort to indirect ways and what I think is a misuse, of a most serious kind, of our valuable rules here in the Senate.

Leaving that subject for the time being, it seems clear to the Senator from Mississippi that the proponents of the proposed constitutional amendment have just not made out a case for the amendment. They have just not made out a sufficient case for the amendment, considered and standing on its own bottom. They have not shown that there is a demand for it on the part of the people throughout this great Nation. They have not shown that there is a real need for it. They have not shown that there is active support for it by the people throughout the Nation. Even though there has been large support for it here on the floor, there has not been shown an active interest and support of it by the people by and large. The informed people, or those who are merely casually informed, just have not been aroused to give the real support that ordinarily goes with a matter of grave importance as that of a constitutional amendment. That interest is lacking. There must be a reason for it. There is not a sufficient case, or anything like it, for the amendment. Therefore, there is no real reason, no demanding reason, or no urgent reason for the fight that is being made to offer the proposed amendment.

Those of us who are opposed to the amendment do not make any apology whatsoever for our opposition. I know I am representing, and other Senators have spoken for themselves, what time has proven to be sound, basic, fundamental principles, time tried and tested as applied to the practical affairs of life and government in our area of the country, overwhelmingly approved over and over again by the people in those States.

The people in some of the States have seen fit to change their laws. That is entirely all right, but those who are taking the same position I take only ask that our people be protected and given the privilege of the same right—that is, to pass on the question themselves—that has been taken in other States.

I know one State, at least, where the people voted on this matter within the last few years, and voted overwhelmingly to retain the poll tax as a very small token of good citizenship, as a mild regulation of orderliness, with reference to exercising the privilege of voting.

I am not certain, of course, but I have little doubt that in the States which have the poll tax now the people would vote overwhelmingly to keep that little measure on the books as a safeguard. It does not keep from voting any person who wants to do so, merely because he has to make the least possible sacrifice. It does clear out the irresponsible, the reckless, and the drifters.

Mr. HILL. Madam President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HILL. Is it not true that every dollar from the tax in the States that have the poll tax goes for the education of the youth of the States?

Mr. STENNIS. Certainly. Every dime in every one of those States goes for education. In my State, the money has to be spent within the county where it is paid. It cannot go 1 foot beyond the borders of that county. It is a trust fund for education.

Mr. HILL. Is it not true that in all the States there are certain prerequisites for voting, and is it not true that in the States that do not have permanent registration, the voters must register from time to time?

Mr. STENNIS. Yes.

Mr. HILL. Is it not true that when they register they have to go to where the books are, and take the time and the trouble to register?

Mr. STENNIS. The Senator is correct. It is far easier for the individual voter to look after the little matter of paying the poll tax within a certain period of the year than it is to go to the trouble of keeping up with registration and going around and following the book, so to speak.

Mr. HILL. Is it not true that election day is the only day in the year, and the only day in 4 years in some cases, or in the case of a U.S. Senator the only day in 6 years, on which the person must be there, and he must go where the polling place is, and very often he has to wait in a line before his turn comes?

Mr. STENNIS. Oh, yes.

Mr. HILL. In the State of Alabama the people have from October 1 to February 1, 4 months, within which to pay the poll tax. Any day except Sunday within that period they can pay the poll tax, or they can send a check for $1.50 through the mail to the tax collector.

Mr. STENNIS. That is correct. They can do it just by sending in a check that way. It is paid, and the receipt is usually put with other papers.

The Senator from Arkansas mentioned the pride one has in the idea of having become a qualified elector and of saying, "Here is my poll tax receipt. I am a man on my own. I am 21. Here is evidence that I am going to take part in the operation of my government." I think the Senator from Mississippi has every single poll tax receipt he ever received. I had particular pride in the first ones.

Mr. HOLLAND. Madam President, will the Senator yield for a question?

Mr. STENNIS. I yield for a question.

Mr. HOLLAND. Is it not true that in the case of State elections to abolish the poll tax, which have taken place, I think, in two States in the last 8 or 10 years, the people who voted constituted the restricted electorate who were permitted to vote under the poll tax system of those particular States?

Mr. STENNIS. That is true, if one wants to put a narrow interpretation on the word "restricted." There was very, very little restriction. I maintain that to have quality voting, to have responsibility in government, there must be some kind of regulation—call it restriction if one wants to—and there must be some kind of screening out of the irresponsible, the drifters, and the others who are not willing to fulfill their citizenship responsibilities by making a little sacrifice.

Something has been said, I know in good faith, though the figures were not given, with reference to the qualified electors in my home State.

Madam President, when a person becomes 21 years of age in my State, if an election is held within a certain number of months that person does not have to pay a poll tax the first year. If a person is disabled—and that is a question of fact to be decided—he is given a permanent certificate of exemption, if he has a permanent disability, of course. When a person reaches a certain age—in my State the age of 60—he never has to pay a poll tax again. This works out so that only three out of four of our qualified electors pay poll taxes.

I do not know that there is any official list of total numbers of voters in the State at any particular time, because that varies with the disability certificates, with those who become 60, with those who become 21, and so on. However, in the AP survey of 1958 there were, in round numbers, some 600,000 registered voters in Mississippi. I bring that up because reference has been made to the fact that in the presidential election of 1960 it was said there was a relatively small vote, only 283,000 voting in that election.

The Senator from Mississippi knows something about the sentiment, the feelings, and the talk among the people in that election, because he was out among the people day after day and week after week. A lot of the people did not vote at all. They intended not to vote at all. They were qualified to vote. They did not like the platform of either one of the major parties. There was even what was called a third ticket in the picture at that time After the campaign was over, although there was considerable interest in it, many people withheld their votes. Others voted as they saw fit, which is as they should do. My point is that it was not a typical election.

The real election in any State, Madam President, is well known. That is the election which involves a long ticket with a lot of names, and a lot of officers being elected. The main election in Mississippi, of course, is the primary election. Mississippi is comparatively a one-party State, though the Republicans are making some headway and claiming a whole lot of headway.

The real election is the one in which the people choose their county officers and their Governor. That is when there is the largest turnout. Of course, in our State it is in our primary election.

Recently there was a primary election in Mississippi, with voting for Governor and for county officers, and the number voting was well over the 400,000 mark, which is a great many more than voted in the presidential race to which I referred.

As the Senator from Alabama said, the money, which is an appreciable amount, goes into the treasury for the benefit of the schools. Some Senator translated the money into the number of school buildings it would build or the number of teachers it would employ. Every single dollar of the money goes for the benefit of the schools of the State.

In my particular State, the money goes into the treasury earmarked for the schools of the county in which the money was paid. In other words, the parents who pay this small amount see it turned back and spent for the education of their own children. It works that way. It cannot be any other way.

So far as the Senator from Mississippi now recalls, this is the only tax in the State which is expressly earmarked for a single purpose and which cannot lawfully be used for any other purpose.

I was not able to hear all of the debate, although I have been present every day and most of the time—all of the time which has been consistent with administrative matters in connection with this problem. Something has been said on the floor about the abuse of the poll tax and about it being an evil thing which designing men could use for their own benefit and for their own unholy purposes.

Madam President, in some isolated place here, there, somewhere, at some time, something like that might have happened in some of these poll tax States.

As one who has been out among the people and who has had responsibility to the people for many years, as one who served for 5 years as a district prosecuting attorney and for years thereafter as a judge, as one who came in contact with officers all the time and the reports about crimes or irregularities, I can say I never heard of such a thing happening. I never heard of the corrupt use of poll tax receipts in my State.

I have heard a great deal more direct proof, under sworn testimony, about the misuse of relief funds in the large cities of the United States, and about the threats to take people off the relief rolls if they did not vote Republican or if they did not vote Democratic. We heard witnesses swear that was what happened to them, and that they were taken off the rolls. I had that experience as a member of the Senate Committee on Rules and Administration. I shall not call the names of any cities, but the testimony was in an open hearing and there was sworn testimony. The report was from an impartial source. The late Senator Schoeppel and I were on the subcommittee.

I think there is far, far, far more abuse of the relief rolls with reference to trying to influence unfortunate recipients of relief as to how they shall vote not only in Federal elections but also in State elections and mayoralty elections, and others of that kind, than there is perhaps some little abuse in the relatively few rural States with reference to poll taxes.

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Florida.

Mr. HOLLAND. The distinguished Senator in an earlier appearance made a statement which I shall quote, and with respect to which I shall ask a question. The statement is found on page 4097 of the CONGRESSIONAL RECORD:

> Frankly, with the growing problems of our Government and the Nation itself, I am firmly convinced that instead of lowering qualifications for voting, we should be raising them.
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> Mr. President, I expect to enlarge upon that thought, as well as others, during the debate on this important question.

I ask the distinguished Senator at what stage in his speech he expects to enlighten the Senate as to what raising of qualifications he thinks would be appropriate, going beyond the poll tax requirement? I have been listening throughout his various appearances in the hope that he would elucidate that point. Does he expect to do so?

Mr. STENNIS. As best I can I shall do so now.

I was referring not particularly to the States which already have poll taxes, but to many States which have virtually no regulations.

If the poll tax is repealed, as I understand the situation, in Virginia there will not be any restriction or any regulation of any kind left, so far as the law is concerned, with respect to the list of voters who have paid the poll tax or met its requirements. That is the voting list. If we take that away, there will be nothing.

Something would have to be added. So long as the States have the poll tax they have a responsibility list. That is to a mild degree a restriction. It is a sifting out. It is a pitch for quality of citizenship.

In some States a citizen need not do any more than sign his name. I am willing to have such States continue to pass on their own procedures, because I do not believe in trying to coerce a State because its law is not what I think it ought to be. But I believe there should be more and more regulation in some of the States as to educational requirements.

I would not repeal a law that presently requires a voter to know something about the English language. I understand that such is the law in New York. In my view it would be wise to have some restrictions on what I call drifters—those who drift around from place to place. I think in my own State we could make a more restrictive rule with reference to those who move away from one place

and live somewhere else. We let too many of such people return and vote. Some requirement that would be fairly easily complied with, resulting in a minor contribution of money to the State treasury, and containing a restriction about having to live in one place a while before one is qualified to vote, is what the Senator from Mississippi had in mind.

I believe the problem is more acute because of the enormous increase in our population. As every Senator knows, more and more groups are organizing in order to put pressure on the Congress. More and more of such people have a direct interest in obtaining a check from the Federal Government. More and more programs are being fed into the Federal machinery of Government to benefit directly more and more people, which increases the burden upon representative Government.

I have never believed that there was any great virtue in numbers. I have never believed that wisdom came merely from masses of numbers. Certainly, if we expect our representative form of Government to survive, we shall have to give more thought and serious attention to the quality of citizenship rather than trust only to luck and to the masses. We must emphasize more the responsibilities of Government. I do not know of anyone who has ever in life contributed very much to family, society, or his community unless he was willing to accept some kind of responsibility. I think the question of voting should carry some responsibilities with it. I do not know of any better training anywhere for any child, regardless of circumstance, color, or opportunity in life, than to teach him to carry responsibilities. That is what I had in mind with reference to voting qualifications.

Madam President, in passing I should like to remark that we all like to think back to events that occurred in our youth.

In the 1910's and the early 1920's, people thought in terms of merely having an opportunity to improve themselves, to secure a higher education, and to obtain a job.

The person who had an opportunity of that kind, grit and determination, together with sufficient responsibility to hold a job when he obtained it, improved himself and went on up the ladder. That is one the great lessons of life.

The question of a poll tax fits into the subject of service to government. But returning to the overall proposition, I think that even though we have the finest young generation we have ever had—they are more intelligent, their minds are sharper and finer, and they have had better food and training in many ways—at the same time we are failing to teach them, as the Senator from Mississippi sees it, enough about the responsibilities of life. We are failing to teach them that every privilege carries with it a duty, and that the quality of their work is what counts and what will lead them on to a better position. I do not think we are doing enough in the way of teaching these fine young people that essential lesson. We are getting off on the idea of mass action, mass virtues, the mass improvements, mass relief programs, and mass everything. We forget that, after all, the strength of a nation depends upon the individuals who are in it, at least the total of the individual strength, and there is no substitute for those qualities.

The Senator from Florida reminded me of another point when he asked the question about the details of qualifications for voting. I mentioned on the Senate floor the other day that instead of taking powers away from the States, removing what few privileges the States have left, either abolishing them altogether or transferring them over into Federal powers, we ought to be giving more attention to the Federal powers that we already have. We should give more attention to the powers we now have rather than entering into crusades to limit the States.

As a taxpayer of the District of Columbia, I referred at that time to the increasing and onrushing tidal wave of crime that grows by leaps and bounds here in the Capital City and is not sufficiently checked. Not enough is being done about it. I am not here to lecture anyone on that point. I am greatly concerned about it, not only for reasons of the personal safety of the people, but also the impression that we make in countries throughout the world. If the ambassadors and their staffs here tell their people back home the truth about that situation—and I assume they do—I know it is bound to create a very bad impression as well as distrust. I am confident in my own mind that something can be done about it.

I wish now to mention a Member of this body who is actively trying to do something about the District of Columbia government. I refer to the Senator from West Virginia [Mr. BYRD], who is chairman of the Subcommittee on Appropriations that handles the District of Columbia appropriations bill. He raised the question of the soundness of the way the relief program is being administered. He boldly raised that point in the Senate. The Senate sustained him on the point. As I understand, he has investigators going into the question, and he has discovered an appalling set of facts. He did not give me the figures which I am about to state, but something like 67 percent of the relief cases which have been investigated have been shown to be cases that are not entitled under the law to receive the benefits.

As I say, I think this is an outstanding illustration of a Senator who has moved into a problem here and is doing very constructive work in spite of pressure the other way. I will back him up and I believe the Senate will also. He is setting a pattern that can be used elsewhere in the nation for good. I would not destroy the welfare program. It is the mass of abuses that has become a scandal in many places that I am attacking.

Mr. ALLOTT. Madam President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Colorado.

Mr. ALLOTT. Madam President, since the Senator from Colorado is a member of the Subcommittee on Appropriations of the District of Columbia, I believe it would be remiss, since I am on the floor, not to join in the Senator's remarks about the work of the Senator from West Virginia [Mr. BYRD] on the committee. I know that last fall, after he held extensive hearings upon the welfare program of the city of Washington—and I use that term "extensive" advisedly—and after he had secured admission from those in charge that less money could be used, and even after the Senate and after the House had acted upon the recommendations, he was subjected to terrific pressures from the press and from other sources to authorize, himself, action by the District of Columbia which would negate the action by the Congress. I, with I believe every other member of the subcommittee, joined in supporting the position he had taken.

With Congress meeting only less than 2 months after he was subjected to this pressure, and with a supplemental appropriation bill coming up, through which any real injury or hurt could be handled, it is incomprehensible how any responsible citizen could—I do not care who he is—exert upon any chairman the pressure that was exerted upon him to abrogate not only the action of the subcommittee, but also the action of the Appropriations Committee, and to abrogate the action of the Senate itself, and to abrogate the action of the whole Congress.

It is a sad commentary on the mistaken concept that some people have of our Government. I advised the Senator—and this is a matter of record—that I thought he would be sincerely criticized, and rightfully so, if he attempted to follow the dictates of some of the press and some of the people who were trying to lead him in a different direction.

Since the Senator from Mississippi mentioned this matter, I believe it is about time to lay it out and make a record on it. I was called at a football game—one of the two I saw last year—in Boulder, Colo., by a reporter of a Washington paper. He purposely withheld the facts from me in trying to trap me into admissions and statements with respect to what had occurred, and about which I had no personal knowledge, because I was in Colorado, not here. I did not appreciate this type of action. However, the Senator from West Virginia did stand pat, and I think rightfully so. If we are going to adopt the policy in Congress that the chairman of the committee can abrogate action of the subcommittee, of the whole committee, and of Congress itself, then we really have gone a long way in this country to throwing away the basic concept which our Founding Fathers put together.

Mr. STENNIS. Madam President, the remarks of the Senator from Colorado are sound indeed and certainly true. They are very timely. The Senator from West Virginia [Mr. BYRD] may be surprised that the Senator from Mississippi brought this matter up at this time. Certainly the Senator from Colorado is reflecting the very finest sentiments of himself and the other members of the subcommittee.

The Senator from West Virginia, as chairman, took an above average amount of pressure on this matter. He is a statesman of the very highest order with extreme courage and dedication to his responsibility. If anyone undertook to pressure him out of his position he certainly picked the wrong man. The Senator from West Virginia is setting a pattern for the Nation. That is my main point. I am proud that he is doing it. I am certainly going to back him up in the committee and on the Senate floor.

While the Senator from Florida had to be out of the Chamber, I spoke about a matter here of which his question about voters reminded me; something that I said the other day to which I would return. Instead of taking away from the States the few fragments of power that they still have, we ought to be very concerned about using the Federal authority that we already have.

I illustrated that point by showing the condition into which we are letting the Capital City get as a city of lawlessness, as a city without safety for the citizens, including the ladies, and the terrific adverse impression and opinion that it has created around the world.

I am not an expert in this matter. I am not on the committee which handles District of Columbia matters. I am sure the members of that committee are doing the best they can. However, merely as a matter of practical application of matters, I do have this comment to make. As I say, as a Member of this body and also as a taxpayer, I do not lay the blame on the city Police Department. So far as I know and understand, the Police Department is staffed with competent men. I do believe that the word and message must go out from the White House to the Commissioners and Police Department that the White House is going to back them up if they take the lead in enforcing the law and in seeking out the offenders; if they arrest the offenders and prosecute them, and spare none. Word like that would get around mighty fast, and it would be electrifying as to results.

Let the message go out from the White House to the Department of Justice and to the prosecuting attorneys, to bring all offenders to justice on the facts of the case, and to spare none. That is another word that would get around mighty fast, if word went out to the prosecuting officials to prosecute offenders to the extent of the law, and to have the Justice Department stand up before the court and urge penalties that will be felt.

Let the message go out from the White House to parole boards and to the related agencies—I do not know what terms are used here—to let the prisoners serve their sentences. Of course there would be exceptional cases, after the facts have been fully developed. However, that is another word that would get around mighty fast. That is what is lacking.

Let the message come to Congress, if funds are needed to build additional clean, adequate workhouses and training schools, and for the purpose of buying some farms, where these offenders can be put to work. Let that message also say that all able-bodied prisoners will have to work for the duration of their term, and that the penalty will fit what the prisoner has done. Let it be a sentence that will be felt, and we will not have a repetition of these things.

There is nothing about the situation that cannot be solved. A continuation, however, of lawlessness may be expected as long as there is softness in the outlook, softness in the imposition of penalties, and softness in carrying out and in meting out punishments that are given in the course of justice.

If we stop these activities, and will be firm, not cruel; if we will impose strong penalties, not too severe, but conservative, punishment will be the strongest deterrent to the commission of crime, and these incidents will stop. But they will not be stopped so long as this blather is put out and the law is explained away by slanderous reference to the Irish and the Poles of another generation. Such talk as that, such degrading of the intelligence of the people, such approaches as that will encourage crime and lawlessness.

I have before me an editorial entitled "Washington's Thugs," published in the Washington Evening Star of March 19. I do not like to advertise these things, and I do not agree with the entire editorial, but after reviewing some of the attacks, the writer concludes by saying:

> The immediate problem, however, is that of coping with crime itself, not the conditions which produce criminals. In this connection, more extensive policing of the streets and the severer penalties suggested by Judge McGuire certainly would help, but to be avoided is the fuzzy-minded notion that the yokers will go away if we all pretend that they do not exist.

Chief Judge McGuire is the judge in the U.S. District Court for the District of Columbia whom the Senator from Mississippi wished to quote the other day, but the article concerning whom he could not find readily at his desk. Chief Judge McGuire's pronouncement is one which is sound in logic, is sound in law, and sound in human nature. Nothing short of it will meet the situation. I think we owe it to those who are running afoul of the law to let them know the certainty of the punishment that will fit their acts. The only way to accomplish this is to have the word go down the line that that is the business for today, for tomorrow, for next month, and the future.

Certainly we owe this to the defenseless, helpless people who are entitled to protection. A call came to my office only the other day from a woman who said, "I am a captive in my own home." I think she expressed it very well.

I return to the basis of the proposed constitutional amendment. It has been one of the truly great checks and balances of our constitutional system to leave the power of qualifying electors and stating what their qualifications shall be at the State level and within the power of the States, so that as their Governors and legislatures come and go, and times change, they might have those requirements in keeping with the opinion of their time.

I mentioned a few minutes ago another of the great proven checks and balances that we have firmly imbedded in our Government. It is not directly mentioned in the Constitution. It is the one with reference to the protecting of the executive, legislative, and judicial branches of the Government from honest overreaching by any of the branches. That line of decisions has come down from George Washington's administration to the present administration and relates to the executive privilege, the judicial privilege, and the legislative privilege. It is one of the most illuminating and fascinating subjects which one engaged in Government could possibly read. It shows the practical side of the idea of checks and balances. There has been a difference of opinion about it as applied to different cases; but always that principle has been maintained and has been upheld. No President has ever been upheld in his effort to take records from the legislative branch. The legislative branch has never been upheld, in the final analysis, when it has tried to take records from the executive branch. That is a check and balance which is written into the very Constitution itself. It is spelled out, so to speak, in the section of the Constitution that has been quoted so many times and so effectively by other Senators. It provides that the qualifications of voters for Members of the House of Representatives shall be those required in the respective States for the most numerous branch of the State legislatures.

Without any apologies or explanations of any kind for those little attacks, those of us who stand here to keep this reasonable power from being swept away are standing on the very firmest foundation that can be found anywhere. It is in the Constitution. It is not an implied power or an implied function; it is a power expressly spelled out and well defined. Until now, it has been a consistently followed principle of our Government with reference to checks and balances. I believe it is necessary to have these checks and balances if we are to retain our dual system of government, our Federal-State system. It has proved strong enough to be able to cope with any problem that has arisen so far. It has proven itself capable of coping with the mightiest task, in a material way, that has ever been placed upon any nation in the history of the world, namely, to be the policeman, so to speak, having the military resources and power necessary to protect the free world. That is exactly what we have today. We have the ground soldier, the paratrooper, and the landing marine, right on through the entire arsenal of our resources to the ICBM itself. We are prepared in a material way to defend not only ourselves, but also the entire Western World.

However, here at home, with reference to the requirements of responsible citizenship, the requirements for quality citizenship, and the requirements for supporting our Government and having some appreciation of it, to the extent of the payment of a small, now almost infinitesimal, poll tax, we are loosening up, we are softening up, we are leveling off. I think we are creating conditions of weakness instead of building up

strength. We are generating softness, irresponsibility, and a lack of appreciation of the necessity for quality.

I hope that in its wisdom the Senate will settle this question by not even voting to let the resolution be considered until it can be stripped of this illegal effort, as I see it, to try to tie around our necks the proposed constitutional amendment.

Mr. HOLLAND. Madam President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. HOLLAND. In the adoption of the 19th amendment, the women's suffrage amendment, the States, by a vote of three-fourths of them, followed the same course as is now suggested with reference to the elimination of the poll tax, did they not?

Mr. STENNIS. By constitutional amendment; yes, that is correct.

Mr. HOLLAND. I know that the great State of Mississippi, which is so ably represented by my distinguished friend, on March 29, 1920, voted against or voted to reject the women's suffrage amendment. Is it not true that the judgment of the three-fourths of the States which ratified the amendment has proved to be salutary, sound, and wholesome in the Senator's own State?

Mr. STENNIS. As the Senator from Mississippi said the other day, the question of adopting the 19th amendment was an altogether different question from the one now proposed, which would eliminate the little requirement imposed upon all pesrons, men and women, regardless of race, color, or anything else. The 19th amendment, to which the Senator from Florida has referred, actually created a new group of citizens.

They were already citizens, of course—it actually created a new group to which the right of suffrage would be extended. In other words, following the ratification of that amendment, no States could deny suffrage to the members of that group. Of course, some States previously had extended the right of suffrage to them.

However, I do not think there is any analogy between the two, in terms of how Mississippi voted at that time. At that time Mississippi was represented in the Senate by what I call "the outstanding brain Senator" that Mississippi has sent to the Senate through the centuries—and I say that with all due deference to others. I refer to John Sharp Williams. He was a great scholar; he was highly educated—as was well known throughout the Nation; and he is said to have been one of Woodrow Wilson's main right arms in connection with matters arising before World War I and during World War I, as soon as Woodrow Wilson was in the White House.

I am sure John Sharp Williams voted in accordance with his convictions and in accordance with his view as to what was sound and best for the Nation. I would not question his judgment one iota.

Of course I think it is excellent that our ladies can vote. I remember when that constitutional amendment was ratified; and I think the voting by the ladies of the Nation has elevated the citizenship standards of the United States.

Mr. HOLLAND. Madam President, will the Senator from Mississippi yield again to me?

Mr. STENNIS. I yield.

Mr. HOLLAND. Let me call attention to the fact that the great State represented by the Senator from Mississippi and five other States rejected the amendment; and I am asking the distinguished Senator from Mississippi if it is not true that the judgment of the three-fourths of the States which ratified that amendment has been found to be salutary, even in the States which then rejected the amendment?

Mr. STENNIS. But I do not think there is any analogy at all between the two. Mississippi voted for the 18th amendment; but in the judgment of the Nation, that was a mistake. So there is no analogy at all between the two.

The proposed amendment of the Senator from Florida would strike down one of the chief few remnants of State power in this delicate, sensitive field of voter qualifications; and I say, with all due deference, that I do not think the 19th amendment or the 18th amendment has anything to do with this matter. This matter involves the question of what is sound, on a constitutional basis, with reference to the qualifications of electors.

Mr. HOLLAND. Madam President, will the Senator from Mississippi yield again to me?

Mr. STENNIS. I am glad to yield.

Mr. HOLLAND. Is it not true that prior to the submission of the 19th amendment, a large number of the States had acted to give the right of suffrage to their women citizens, and that then the 19th amendment pursued the constitutional method of submitting the matter to the jury of the States, to see whether three-fourths of them thought that the correct procedure; and that it has proved to be salutary and sound, and has justified the belief of the Founding Fathers that when three-fourths of the States agree, the matter is sure to be in the interest of the entire Nation? Does not the Senator from Mississippi agree to that?

Mr. STENNIS. The Senator from Florida is historically correct about the fact that the amendment was submitted, and was ratified, and all that. But in my opinion there is no analogy between that subject matter and the subject of our discussion in the present instance.

It could also be said, in regard to the first 10 amendments to the Constitution, that time has proven that they were wise, for they were a brake—or, at least, they were an attempt to apply a brake—and a restriction on the Federal Government.

By the way, Madam President, let me refer briefly to George Mason. George Washington said that George Mason had the best mind of any man in the Nation. George Mason declined to sign the Constitution, at Philadelphia. Thereafter, he opposed its ratification by Virginia—where it was ratified by a scant 10-vote majority, as I recall.

George Mason said that the reason why he did not sign the Constitution at Philadelphia was that it did not sufficiently protect the States in their reserved powers, and because it did nothing about slavery; and he said that thereby it left within itself the germs of secession. I may not have quoted George Mason with exact accuracy; but certainly, as I recall, I have quoted the substance of the statement made by one whom George Washington described as having the best mind of his generation.

Of course, the first 10 amendments were adopted, for it was thought that they would protect the reserved powers of the States.

However, the amendment now under discussion—which relates to one of the reserved or retained rights of the States—would sweep it away.

Madam President, during the course of this debateI have had considerable administrative duties to carry out; and there is a certain matter which I should like to mention later today, if certain material is available at that time. I realize that I have been in the process of making my second speech on the question of the motion to take up the joint resolution. I ask unanimous consent that, if I see fit to do so, at a later stage of the debate on this motion, I may use 15 minutes, as a part of my second speech.

The PRESIDING OFFICER. Without objection——

Mr. HOLLAND. Madam President, I have no objection, because I certainly would not wish to interfere with the Senator's making his complete effort.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STENNIS. I thank the Senator from Florida.

Mr. GRUENING and Mr. COTTON addressed the Chair.

Mr. HOLLAND. In fact, Madam President, we have no disposition at all to prevent any Senator's gaining the floor.

Mr. COTTON. Madam President, a little later I wish to have a certain matter inserted in the RECORD, and then to ask for a quorum call.

Mr. HOLLAND. Madam President, as I understand, any Senator can obtain the floor. I understand that the only rule now being enforced under the direction of the majority leader is the one which prevents a Senator from yielding for anything but a question during the course of his speech.

The PRESIDING OFFICER. The Senator from Florida is correct.

Mr. STENNIS. Madam President, I yield the floor.

GREEK INDEPENDENCE DAY, MARCH 25

Mr. WILEY. Madam President, I take this opportunity to call the attention of the Senate to the fact that yesterday, Sunday, March 25, marked an important day in Greek history. Yesterday was Greek Independence Day. That date marked the 141st anniversary of the start of the effort on the part of Greece to free itself from Ottoman rule. That effort was outstanding in its day. It is fitting that today we should re-

member some of the great contributions made to the world by the people of Greece.

Among the chief contributions made in that country was the early foundation in democratic government. Greeks all over the world should be proud of their country and for the contributions Greece has made in democratic government, with its emphasis upon the dignity of man, and their high regard for the law.

We all know of the many triumphs and the glory of old Greece. We all know of their early contributions in the field of literature and philosophy. There were many others equally great from a cultural standpoint.

Persons of Greek descent may well be proud of their cultural and political heritage with their contributions to government. I take this opportunity to make note of Greek Independence Day and I hope that other Senators will have the opportunity to pause for a moment during this busy day to reflect and to think about the contributions which Greece has made throughout its history to the arts, its culture, and to government.

Mr. DIRKSEN. Madam President, on March 25, 1821, the people of Greece delared their independence from the Ottoman Empire that had overrun the entire Balkan area since 1453. The history books relate the many struggles for freedom by the people of Greece for their independence, whose final drive for victory was sparked from the aid and encouragement they had received from the people of America, who, not long before that, on July 4, 1776, declared their independence.

Madam President, from ancient times up to the present the Greek people and the Greek nation have been a bastion of defense in the fight for freedom and liberty, beginning in the ancient days when the Greek warriors withheld the onslaught of invasions from across the Aegean Sea. During World War I the Greek nation fought on the side of the United States and her allies. The world will always remember how, on October 28, 1940, after a sudden attack by the Fascists and followed later by the Nazis, the brave Greek warriors protected the bases on the north until Hitler's overpowering mechanized forces and air attack overtook that nation. A few years later, after they were freed from the Nazis, the Communists tried to move in, and the Greek warriors and their families were able to withstand the Communist infiltration—something that the countries to the north were unable to do.

It was then, Madam President, that the United States of America, through the Marshall plan, and with the aid of the Republican Congress in 1946, gave aid to Greece which helped her in her struggle against communism. That aid to Greece has continued from that time, through two terms of the Eisenhower administration and under the present administration, to the point that Greece again has gained much of its economic stability.

Greece gave to the world much of the civilization we enjoy today in the form of good government, the arts, science, philosophy, culture, as well as the immortal Greek language, which is one of the basic foundations of the English language which we use in this country of ours, a language the teaching of which has been reintroduced into many of our public schools.

Madam President, there has always been a close bond between Greece and America, because we both believe in the same basic principles of freedom and of good government, and because the basic documents of our Nation that were written by our Founding Fathers related to the basic principles of freedom and government originated in the Golden Age of Greece.

Madam President, throughout the State of Illinois, I have many good friends who are Americans of Hellenic extraction. Many of them are Greek immigrants who came to America because America loomed great in their minds as the promised land. They have grown with America and have become leaders in the professions, and business, and the civic and public life of their respective communities. I join them in honoring Greek Independence Day.

STATEMENT BY WILLIAM E. BRANEN, VICE PRESIDENT, WISCONSIN PRESS ASSOCIATION, ON IMPACT OF POSTAL LEGISLATION

Mr. WILEY. Madam President, the House-passed bill, H.R. 7927, now before the Senate Post Office and Civil Service Committee, contains a variety of provisions which would cause serious economic problems, particularly small newspapers, businesses, and other enterprises.

Recently, I was privileged to receive from Mr. Carl A. Zielke, secretary of the Wisconsin Press Association, a statement by Mr. William E. Branen, vice president of the association, relating to the impact of the proposed legislation on Wisconsin newspapers.

Reflecting the effect not only upon Wisconsin, but upon similar newspapers throughout the country, I ask unanimous consent to have excerpts of the statement printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF WILLIAM E. BRANEN, VICE PRESIDENT OF THE WISCONSIN PRESS ASSOCIATION, BEFORE SENATE POST OFFICE COMMITTEE, MARCH 22, 1962

My name is William E. Branen. I am a copublisher of the Burlington Standard-Press, a weekly newspaper published in Racine County in the State of Wisconsin.

The Wisconsin Press Association, the oldest press association in the United States (established in 1853) is a trade organization of weekly and semiweekly newspapers. It has an enrollment of 234 members, out of the total of 275 community newspapers published in the State of Wisconsin. I would like to emphasize that unlike many of the State press associations appearing before you, ours is an exclusive weekly and semiweekly organization. There are no daily newspaper members in our group.

The following resolution was unanimously adopted by our Board of Directors and subsequently supported wholeheartedly by a huge majority of our members in a mail vote last week. At last count, we had 130 "yes" votes on the resolution as compared to 4 "no" votes against the resolution. Here is that resolution:

"Resolved, That H.R. 7927 be vigorously opposed; and be it further

"Resolved, That the 'free in county' mailing privilege be eliminated; and be it further

"Resolved, That the 'in county' category also include at the 1-cent-per-pound rate (minimum one-eighth of 1 cent per copy) all newspapers distributed to patrons served by the post office of original mailing or neighboring post offices where no postal department transportation is involved. The zone rates based on advertising content and weight to continue under present formula."

We are definitely opposed to the House bill, H.R. 7927, now before you. We believe that a surcharge of 1 cent per copy on a weekly newspaper would be discriminatory because it would make the same charge on a newspaper carried across a county line as would be charged a metropolitan newspaper or a large magazine being transported thousands of miles.

The adoption of the resolution as recited here is not new for the Wisconsin Press Association. A similar resolution was adopted by the board of directors about 6 years ago. At that time, we had some strong objection to the adoption of the resolution by some of our members and we asked them to check with their local post office to determine exactly what "free in county" meant to their newspaper enterprise each week.

A majority of those then contacted our office again to inform us that they didn't realize what few benefits their newspaper derived from "free in county" mailing and that they agreed that "free in county" should be eliminated. Our publishers are convinced that "free in county" is most discriminatory in that a newspaper's postal rates are set according to its geographical location within the county.

We have supplied each member of the committee with a map of Wisconsin showing the location of the community newspapers. You will note that a majority of those newspapers are on county lines or near a county line while only a very few are centrally located.

The chart which was prepared in the office of the Wisconsin Press Association pictures the complete cost of the second class postal charge for each of 32 community newspapers for 1 week. We asked the newspapers to supply us with a copy of their post office form 3542 so that we might have the number of copies being mailed in the county, outside the county, and to various zones for 1 week.

These charges were totaled as to the cost for "in county" mailing, zone mailing and the number of copies mailed free within the county. We multiplied the cost for 1 week by 52 to determine the annual cost. However, it must be pointed out that the annual cost could vary depending on the weight and advertising content of the other 51 issues. We believe the annual figure to be quite accurate although it could vary in that the issues surveyed might be larger or smaller than the average put out each week.

You will note that the weekly cost as tabulated in the eighth column of the chart is approximately one-half of what the weekly cost would be under H.R. 7927 which is the fifth column in the tabulation enclosed by border line. In some instances the weekly cost would double, in other cases it is tripled and in some cases even quadrupled. As you will note there are some 200 percent increases, listed if H.R. 7927 becomes law.

To point out the discriminatory aspects of our present postal law, we would like to call attention to the annual postage paid by the Oregon Observer with 978 circulation. It pays a total postage bill of $60.84 per

year. The Wonewoc Reporter, with almost identical circulation, 972, a newspaper which for this particular issue weighed three-tenths of a pound less per copy than did the Oregon Observer, paid a postage bill which is more than twice that of the Oregon newspaper, or $135.20 per year. It so happens that Oregon's area of coverage is within the county while Wonewoc is on the county line.

Please note again on the chart that the Medford Star News which is a county seat newspaper, centrally located, mailed 5,200 copies for $1,123.72 per year whereas the Oconomowoc Enterprise pays $40 per year more for 1,400 less copies. Here again Medford is centrally located and Oconomowoc is on a county line.

Our association is convinced that "free in county" is wrong because it is based on the geographical location of the newspaper. To add a percentage increase and continue this discrimination, would be wrong, in our opinion, and to add a surcharge in addition to the present inequitable rate would be much worse. We will still have the same basic problem of the discriminatory effect of free-in-county mailing. We believe it is time that the free-in-county privilege be eliminated. Our survey of 32 newspapers (we have given you a map showing where the 32 newspapers are located and they were picked completely at random) does show that "free in county" is indefensible. Our survey further shows that the cost to the 32 listed publishers if "free in county" is eliminated would be $32.95 or an average of $1 per week. It would vary from the $3.86 extra cost to the Medford Star News down to nothing for the South Milwaukee Voice-Journal which has no "free in county" circulation at all. "Free in county" is a misnomer. It does not apply in any post office which has letter carrier service. It is therefore actually limited to the small post office that offers only post office box service and to the rural routes extending from that same post office. If a post office has letter carrier service, then there is no "free-in-county" mailing privilege from that post office or its rural routes.

The third part of our resolution proposes that the 1-cent-per-pound in-county rate be extended to include all of the newspapers distributed from the post office of original mailing. In other words, if the 1-cent-per-pound rate is continued, it would apply to all newspapers mailed within the county and be extended to newspapers going across county lines, if they are distributed from the office of original mailing. We have several instances in Wisconsin where the county line extends right down main street and it is possible for a newspaper to be physically located in one county and yet have 70 percent of its circulation across the street in another county. Therefore, we believe that the 1-cent-per-pound category should include all of the newspaper mailing which is distributed from the point of original mailing. We also believe that if a newspaper has a town across a county line which he serves at his own expense by trucking the newspapers to that post office, that that rate should be the same as the in-county rate.

We believe that there is good logic in the "in county" rate being less than the zone rate because there is a minimum of postal handling involved.

We do not intend to infer that the first and second zone rate for second-class mail should continue at 3 cents per pound, depending upon the advertising content. Under our present postal rates for second-class mail, the average Wisconsin community newspaper pays about 2¾ cents per pound for most of its newspaper mailing with a minimum of one-half of 1 cent per copy. Let me repeat, we do not say that the first and second class zone rate should be 3 cents per pound. Perhaps it should be 4 cents per pound. However, we do firmly believe that the "in county" rate (extended to include all newspapers delivered from the post office of original mailing) should be one-third of the zone rate because there is only one-third as much handling.

We discussed the elimination of the "in county" rate altogether. However, our decision to ask that "in county" rates be maintained is based on the knowledge that in many of our lesser populated areas, there is only one newspaper in the county and it may serve an area with a radius of anywhere from 30 to 100 miles. Therefore, we believe that it is important that the "in county" rate be maintained because many of the lesser populated areas are now served by but one community newspaper which is their only means of receiving governmental news, particularly at the county level.

There appears to be a misconception that community newspapers pay no postage at all; that the newspapers are carried free by the Government. Note the first red column in our chart and you will find that 4 of the 32 newspapers listed, are now paying more than $1,000 postage per year and that 3 pay more than $870 per year postage.

If we may refer to the chart again, our final three red columns will give you our estimate of the cost per week per newspaper if "free in county" in eliminated and the 1-cent-per-pound rate used. We also list the annual postal cost if "free in county" is eliminated, and a final column giving the percentage of increase. As expected, the newspapers with the greatest percentage of increase are those which have the greatest number of "free in county" copies under our present second class postal rates. We believe that the proposal which we present would be an honest and equitable method of computing second-class postal rates for community newspapers. Our chart does not show what the effect would be if the 1 cent per pound is extended to all newspapers distributed from the post office of original mailing. It would be difficult to affix this cost unless one was sure what rural routes extended from each community. However, again we believe that because only one handling of the mail is involved, the extended "in county" rate to newspapers from the post office of original mailing is justifiable.

We are convinced that if there is a subsidy it is to the reader and not to the newspaper because postage rates certainly are reflected in the subscription price.

Recent testimony before this committee revealed opposition to the House adopted amendment which extended "free in county" and "in county" rates to newspapers published but not printed within that county. That amendment was the only portion of H.R. 7927 that we were in agreement with. In this day and age of modernized printshops, new offset methods and a rather acute shortage of printers and operators, the blunt truth is that whether or not a community continues to have a newspaper may depend on whether or not the publisher can take advantage of modern production methods and have his newspaper printed in a commercial shop or in an adjoining newspaper shop which may or may not be in an adjoining county.

The important factor is whether or not the newspaper survives. It should not be penalized because it does not have $16,000 for a new linotype machine or $50,000 for a new modern press.

It might be well to point out at this time that in 1934 Wisconsin had 342 weekly newspapers. Today that number has decreased to 275 newspapers and I would guess that the percentage is pretty much the same in every State in the Union. One of the chief factors in the decline of the community newspaper is the high production costs and the shortage of skilled labor for the small community printshop. I would venture that in another 10 years Wisconsin may be down to 250 newspapers. To insist that a newspaper be printed locally before it is eligible for "in county" mailing rates will hasten the decline.

FRUSTRATED JUSTICE

Mr. COTTON. Madam President, the famous phrase "government of laws and not of men" appears in the Declaration of Rights of the Constitution of Massachusetts and is said to have been placed there at the insistence of John Adams.

The full quotation is:

In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers or either of them: The executive shall never exercise the legislative and judicial powers or either of them: The judicial shall never exercise the legislative and executive powers or either of them: to the end it may be a government of laws and not of men.

Encroachments by the legislative branch of our government, Federal or State, do not constitute a serious menace. Legislators watch each other, and the people have frequent opportunities to retire them. Usurpation of power by the Executive has occurred more frequently and constitutes a serious trend. In this field, however, both the people and the legislative branch have the means of defense.

The exercise of arbitrary powers by the judicial branch of government is perhaps the most dangerous of all. Only in extreme cases and through the difficult and cumbrous process of impeachment can either the legislative branch or the people resist tyranny from the bench.

A recent editorial in the Evening Star of Wednesday, March 21, entitled "Frustrated Justice" directs attention to an apparent instance of this dangerous practice which, by coincidence, occurs in the Commonwealth of Massachusetts where the constitution so pointedly calls for government by law and not be the caprice of individuals. I ask unanimous consent that the editorial be inserted at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FRUSTRATED JUSTICE

The Supreme Court's diligence in upholding the constitutional provision against double jeopardy in a criminal case is, of course, commendable. It is unfortunate, however, that in invoking the double-jeopardy clause in a Federal fraud trial in Boston the High Court also was upholding, in effect, an acquittal which the court of appeals had criticized as "based upon an egregiously erroneous foundation." And the Supreme Court conceded that the appellate criticism was "not without reason." Can it be said unqualifiedly that justice was served in this strange case?

The trial resulted from a Federal fraud indictment against the Standard Coil Products Co. and two of its employees. They were accused of falsifying test data on electronic equipment supplied to the Government. Federal Judge Charles E. Wyzanski, Jr., according to the record, ordered the acquittal of the defendants before the Government could present a number of witnesses who, the prosecutor stated, would have testi-

fied to the fraudulent actions of the firm and the two employees. Judge Wyzanski ruled that the several witnesses he allowed the prosecution to put on the stand lacked credibility and that the prosecutor had not conducted the case properly. Thereupon, said the court of appeals, the judge "abruptly terminated the Government's case * * * long before the Government had had an opportunity to show whether or not it had a case; and, moreover, he did so in ignorance of either the exact nature or the cogency of the specific evidence of guilt which the Government's counsel said he had available and was ready to present." The appellate court therefore ordered the case retried before another judge.

By a seven-to-one decision, the Supreme Court reversed the appellate action on the ground that a person may not be tried twice for the same offense. But Justice Clark, dissenting, held that Judge Wyzanski's directed verdict of acquittal was invalid and that hence double jeopardy would not be involved in a retrial. Said Judge Clark: "No judge has the power before hearing the testimony proffered by the Government, or at least canvassing the same, to enter a judgment of acquittal and thus frustrate the Government in the performance of its duty to prosecute those who violate the law." That would seem to be unassailable logic, even though Judge Wyzanski has been excepted from the rule in the Standard Coil Products case.

MASS IMMUNIZATION AGAINST POLIO

Mr. GOLDWATER. Madam President, in view of the administration's proposal to inaugurate mass immunization throughout the Nation at Government expense, I wish today to draw the Senate's attention to an outstanding example of voluntary civic effort to stamp out polio in an entire State. This bold, private program was carried out in the State of Arizona by a volunteer army of doctors, pharmacists, nurses, technicians, and ordinary lay citizens. It was launched in the cities of Phoenix and Tucson and, as a result, 65 to 75 percent of the entire population of Arizona has participated in the polio immunization program.

Madam President, I should like to emphasize the success of this tremendous program to show that the American people are willing and able to take care of their health needs if they are supplied with the proper leadership and are asked to volunteer their services to a worthy cause. One important thing that the Arizona program disclosed is that if there are children who do not receive their complete immunization series, it is not because of any lack of facilities. The facilities are there, in county health clinics and in the offices of private physicians, and at these facilities the immunizing agents can be obtained—either free of charge or at a very nominal cost to anyone seeking them. In other words, what is lacking is determination on the part of parents to obtain immunization for their children. No amount of money will change this situation unless it is used in an attempt to provide more information through mass communications. If the Government wishes to help these people, I believe it should authorize the Public Health Service to make a survey of the problem and present the results to State and local authorities as well as to medical and nurses societies and let them encourage the type of voluntary efforts we have witnessed in the mass polio immunization program in Arizona during the past 2 months.

Madam President, in bringing the success of this voluntary effort to the attention of the Senate, I should like particularly to commend the medical societies of Maricopa and Pima Counties, Ariz., for their determination and farsightedness in initiating this program. Also, I ask unanimous consent to have an article from the Washington Sunday Star of March 25, entitled "Arizona Stages Drive To Stamp Out Polio," be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARIZONA STAGES DRIVE TO STAMP OUT POLIO

(By William Grigg)

From hundreds of billboards and marquees in Arizona three stark letters—"PPS"—stare at passersby, puzzling the tourist but reminding natives of perhaps the boldest immunization campaign ever conducted in the United States.

"PPS" means Polio Prevention Sunday. It also means, backers say, the nearly total erasure of polio from their State.

And, they add proudly, the massive campaign has not required Government money.

Last Sunday, at centers manned by volunteers, 75,000 Tucson area residents got their lumps—sugar lumps soaked in type 1 Sabin oral polio vaccine. These thousands, together with those getting their immunization on the Sunday before, brought the number immunized to 186,000 or 82 percent of the area's population.

On Tuesday and Wednesday university students and other volunteers carried the vaccine to shut-ins.

Type 2 vaccine will be given on two Sundays in April. Dates for type 3, not yet licensed by the Federal Government, have not yet been announced.

Phoenix area physicians started the program and already have brought both type 1 and type 2 to about 80 percent of the Phoenix area's population.

On each "PPS," residents bombarded by newspaper, TV, radio, and billboard publicity lined up for their sugar lumps. Those who could contributed 25 cents, an amount expected to cover the costs of materials. Physicians and nurses have volunteered their time.

In an interview, a Tucson physician said mass immunization with the new oral vaccine had been recommended by the American Medical Association and the American Academy of Pediatrics, so local physicians decided to take action to show what volunteers could do.

The Sabin vaccine, he said, has a "longer lasting effect and prevents you from being a carrier of polio" so persons who already had the injected Salk vaccine have been urged to get this added protection.

There is also evidence that the oral vaccine is "catching." Because it is a weakened, rather than killed, virus, it can be caught from an immunized person by another member of the household. In this way, the immunization reaches many who have not cooperated in getting their sugar lumps.

The Tucson physician said when the Tucson and Phoenix areas are completed, most of the battle will be done, as most of the State's population is in or around the two main cities. But other Arizona county medical societies have already begun programs that may make the whole State almost completely free of polio.

MARYLAND'S BIRTHDAY

Mr. BEALL. Madam President, yesterday, March 25, which happened on Sunday this year, was an important day to all Americans. It was the 328th anniversary of the founding of the Free State of Maryland.

On March 25, 1634, colonists landed aboard the *Ark* and the *Dove* on a Potomac island, just off where St. Mary's City now stands and started what is now the State of Maryland, beginning the American concept of freedom. Lord Calvert's first edict was that every person had the right to worship according to the dictates of his own conscience, and this became a basic principle of our people. The Maryland Act of Toleration of 1649 was the first such document to espouse the idea of freedom of religion, and was the forerunner of the theme of freedom in the American Constitution.

The history of America is interwoven with the history of Maryland. Some of America's great historical events which occurred in Maryland are:

Capt. John Smith explores coast of Maryland, June 1608.

World's first law of religious freedom passed, 1649.

Mason and Dixon begin survey of Maryland boundary, 1763.

Annapolis becomes temporary National Capital, November 26, 1783.

Washington resigns commission in Old Senate Chamber, Annapolis, December 23, 1783.

Maryland cedes District of Columbia to the United States, March 30, 1791.

Bombardment of Fort McHenry; Francis Scott Key writes "The Star-Spangled Banner," September 12, 1814.

Beginning of work on first railroad in America—the Baltimore & Ohio—July 4, 1828.

First telegraph line in the world built between Baltimore and Washington, 1844.

Because of Maryland's place in American history and because of the theme of "freedom" nurtured and cradled in Maryland, the anniversary of the founding of the Colony which became the Province and developed into the great Free State of Maryland is an important occasion to freedom-loving people everywhere.

Mr. BUTLER. Madam President, it is with understandable pride that I call to the attention of this august body the occasion of the 328th anniversary of the Free State of Maryland, which I have the honor to represent in this National Assembly.

From her Allegheny mountains to her quiet Eastern Shore, every acre of this verdant land is laden with significant history—a history which in a very real sense is the history of America in miniature.

Cabot, Verrazano, Gilbert, and Capt. John Smith made early exploration of her ocean-bounded shore, and in 1634 the *Ark* and the *Dove*, under the leadership of 2d Lord Baltimore, finally came to rest at St. Mary's City where that small group of intrepid pioneers began the settlement that was to blossom into one of the great States of a great Nation.

These were men of courage and men of profound religious sentiment. In 1649 the Maryland Assembly passed the act concerning religion, the first civil regime to declare in favor of freedom of conscience. They stood with firmness and fortitude against the early forays of the Indians and eventually learned to *live in* peace with them.

It was Maryland that first threw down the gauntlet to the British by refusing to pay taxes under the confiscatory stamp act, by staging her own private tea party in Annapolis harbor by putting the torch to the tea ship, *Peggy Stewart*, and by laying the groundwork for the War of Independence by the activity of her Association of Freemen.

The brunt of the War of 1812 was borne by the great Free State, and during the British bombardment of Fort McHenry in Maryland, one of her gifted sons, Francis Scott Key, wrote the inspired National Anthem. Here, too, was the scene of John Brown's famous raid at Harper's Ferry; here the hallowed Antietam battleground. In more recent times Marylanders have served with honor and distinction in the cabinets and governments of numerous Presidents. They have combined their appreciation for the history and traditions of this Nation with an ambition to make the United States an even greater and more prosperous land.

It is with great pride in her history and the courageous citizens who have nourished her through the years that I salute today on the 328th anniversary of her birth, my home, my State, my country's stanch right hand—Maryland, my Maryland.

FRAUDULENT SCHEME STOPPED

Mr. BEALL. Madam President, the newspapers of the Nation this past weekend headlined the issuance of a "fraud order" by the Post Office Department against the Dollar Industrial Bank, Ltd., of Nassau, Bahamas, the outfit about which I warned the American people on January 18 of this year in a statement on the floor of the Senate.

When the operations of this so-called bank, in what appeared to be a clever attempt to swindle the American people through the use of our mails, came to my attention, I called on the Post Office Department to look into the possibility of putting a check on these people, and I took the floor to sound an alarm.

I am gratified by the action of our Post Office Department, which has the effect of blocking all mail from the United States to the Bahama "bank." Every piece of mail addressed to either the "bank" or to one David R. Vine, an officer of the "bank," is to be stamped "Fraudulent" and returned to the sender. In issuing the "fraud order," the Department stated that the Dollar Industrial Bank, Ltd., was using the mails in "a scheme for obtaining money by means of false and fraudulent pretenses, representations and promises."

The Nassau firm was advertising through a mail-order campaign in the United States for savings accounts, offering a high rate of interest and, as an extra inducement, free vacations in the Bahamas for the depositors who would send along as much as $5,000. Because this kind of return on savings accounts is not financially sound, I was suspicious.

Back in 1958, I warned the people about another savings outfit—that one doing business in my own State of Maryland. It is now in receivership, its so-called insurance company nonexistent, and its president, who incidentally challenged my exposé, under indictment for grand theft. Unfortunately, despite my public warning about that Maryland company, the Family Savings & Home Loan Association, some people continued to deposit money with them, attracted by the high rate of interest promised. The State of Maryland has taken steps to stop the operations of people like the officers of Family.

When I spoke in the Senate on January 18, I stated that our postal service should be able to police the mails to protect our people against such a scheme as that perpetrated by the so-called "bank" in Nassau, even though Nassau was out of the country and therefore not subject to our laws. I am indeed glad that the Post Office Department has found it possible to protect our citizens against this questionable use of our mails.

I only hope that the people throughout the country will in the future resist the understandable urge to get more than a fair return on their money, and that every offer of more than a fair return will be examined especially closely.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 2533. An act to amend the requirements for participation in the 1962 feed grain program;

H.R. 4130. An act to provide assistance to Menominee County, Wis., and for other purposes; and

H.R. 5968. An act to amend the District of Columbia Unemployment Compensation Act, as amended.

THE ALEXANDER HAMILTON NATIONAL MONUMENT — AMENDMENT TO THE CONSTITUTION DEALING WITH POLL TAXES

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] to proceed to the consideration of the joint resolution (S.J. Res. 29) providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument.

Mr. ELLENDER. Madam President, when I was addressing myself to the question at issue last week, I was discussing the high caliber of the members of the Convention that assisted in drafting our great Constitution. I stated their background, particularly in reference to their attachment to their respective governments in the Colonies where they came from. Without exception, every one of the members of the Convention guarded very zealously the right of the Colonies, as well as of the States, in providing that the right to decide who shall or shall not vote was to be left in the hands of the State governments.

As I pointed out, and as many other Senators likewise have pointed out, except for the fact that each State was to retain the power to say who should or should not vote, our great Constitution may never have been adopted. That was one of the burning issues during the debates which took place prior to the adoption of the Constitution.

Among those who took a very prominent part was Charles Pinckney, who laid before the House a draft of a Federal Government which he had prepared, to be agreed upon between the free and independent States of America.

I continue the quotation from "United States—Formation of the Union":

Article III of Mr. Pinckney's draft reads: "The Members of the House of Delegates shall be chosen every (blank) year by the people of the several States; and the qualifications of the electors shall be the same as those of the electors in the several States for their legislatures." (Elliott, "Constitutional Debates," vol. 1 (1st ed.), p. 145).

Pinckney also provided in article 5 of his plan:

Each State shall prescribe the time and manner of holding elections by the people for the House of Delegates. (See III, "Records of the Federal Convention," p. 597, app. D). Alexander Hamilton's suggested provision was a general one:

"III. The Assembly to consist of persons elected by the people to serve for 3 years." ("U.S. Formation of the Union," p. 979.)

When Mr. Randolph's plan was considered, what was the feeling concerning the provision for election of Members of the first branch of the National Legislature by the people of the several States? The discussion is illuminating in showing the angles considered, which make clear the meaning of the provisions ultimately adopted.

Mr. Sherman opposed the election by the people, insisting that it ought to be by the State legislature. The people, he said, immediately should have as little to do as may be about the Government. They want information and are constantly liable to be misled.

Mr. Gerry: "The evils we experience flow from the excess of democracy. The people do not want virtue, but are the dupes of pretended patriots.

"In Massachusetts it had been fully confirmed by experience that they are daily misled into the most baneful measures and opinions by the false reports circulated by designing men, and which no one on the spot can refute. One principal evil arises from the want of due provision for those employed in the administration of Government. It would seem to be a maxim of democracy to starve the public servants. He mentioned the popular clamor in Massachusetts for the reduction of salaries and the attack made on that of the Government though secured by the spirit of the Constitution itself. He had, he said, been too republican heretofore: He was still, however, republican, but had been taught by experience the danger of the leveling spirit."

Madam President, I may say the word "republican" as there used was spelled with a small "r," not with a capital "R."

Mr. Mason argued strongly for an election of the larger branch by the people. It was to be the grand depository of the democratic principle of the Government. It was, so to speak, to be our House of Commons—it ought to know and sympathize with every part of the community; and ought therefore to be taken not only from different parts of the whole Republic, but also from different districts of the larger members of it, which had in several instances, particularly in Virginia, different interests and views arising from difference of produce, of habits, and so forth. He admitted that we had been too democratic but was afraid we should incautiously run into the opposite extreme. We ought to attend to the rights of every class of people. He had often wondered at the indifference of the superior classes of society to this dictate of humanity and policy; considering that however affluent their circumstances, or elevated their situations might be, the course of a few years not only might, but certainly would, distribute their posterity throughout the lowest classes of society. Every selfish motive therefore, every family attachment, ought to recommend such a system of policy as would provide no less carefully for the rights and happiness of the lowest than of the highest orders of citizens.

Mr. Wilson contended strenuously for drawing the most numerous branch of the Legislature immediately from the people.

He was for raising the Federal pyramid to a considerable altitude, and for that reason wished to give it as broad a basis as possible. No government could long subsist without the confidence of the people. In a republican government this confidence was peculiarly essential. He also thought it wrong to increase the weight of the State legislatures by making them the electors of the National Legislature. All interference between the general and local government should be obviated as much as possible. On examination it would be found that the opposition of States to Federal measures had proceeded much more from the officers of the States, than from the people at large.

Mr. Madison considered the popular election of one branch of the National Legislature as essential to every plan of free Government. He observed that in some of the States one branch of the legislature was composed of men already removed from the people by an intervening body of electors. That if the first branch of the general legislature should be elected by the State legislatures, the second branch elected by the first—the executive by the second together with the first, and other appointments again made for subordinate purposes by the Executive, the people would be lost sight of altogether; and the necessary sympathy between them and their rulers and officers, too little felt. He was an advocate for the policy of refining the popular appointments by successive filtrations, but thought it might be pushed too far. He wished the expedient to be resorted to only in the appointment of the second branch of the Legislature, and in the executive and judiciary branches of the Government. He thought too that the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves, than if it should stand merely on the pillars of the legislatures.

Mr. Gerry did not like the election by the people. The maxims taken from the British Constitution were often fallacious when applied to our situation which was extremely different. Experience he said had shown that the State legislatures drawn immediately from the people did not always possess their confidence. He had no objection however to an election by the people if it were so qualified that men of honor and character might not be unwilling to be joined in the appointments.

He seemed to think the people might nominate a certain number out of which the State legislatures should be bound to choose.

Mr. Butler thought an election by the people an impracticable mode.

On the question for an election of the First Branch of the National Legislature by the people: Massachusetts, "aye;" Connecticut, division; New York, "aye;" New Jersey, "no;" Pennsylvania, "aye;" Delaware, division; Virginia, "aye;" North Carolina, "aye;" South Carolina, "no;" Georgia, "aye." ("Formation of the United States," p. 125.)

In the final report on Mr. Randolph's plan the Committee of the Whole merely said:

Resolved, That the Members of the First Branch of the National Legislature ought to be elected by the people of the several States for the term of 3 years. ("U.S. Formation of the Union" at p. 201.)

And nothing about voting qualifications, leaving this for specific provision in the States.

On Monday, August 6, the Committee of Detail reported finally the following provision:

Article IV, section 1: "The Members of the House of Representatives shall be chosen every second year by the people of the several States comprehended within the Union. The qualifications of the electors shall be the same, from time to time, as those of the electors in the several States of the most numerous branch of their own legislature." (See "U.S. Formation of the Union" at p. 472.)

It is particularly interesting to turn to the reports of the work of the Committee of Detail to see through what stages article IV, section 1—which is article I, section 2, of our Constitution today—progressed. The very regulations being proposed at this time in this body were suggested in 1787 at the Constitutional Convention and rejected at that time. On June 19 one draft was set forth. It provided:

The Members of the Second Branch of the Legislature of the United States ought to be chosen by the individual legislatures—to be of the age of 30 years at least; to hold their offices for the term of 6 years, one-third to go out biennially; to receive a compensation for the devotion of their time to the public service; to be ineligible to and incapable of holding any office under the authority of the United States (except those peculiarly belonging to the functions of the Second Branch) during the term for which they are elected, and for 1 year thereafter. (II Farrand, "Records of Federal Convention," pp. 129 and 130.)

The next step was as follows:

The qualification of electors shall be the same (throughout the States, viz) with that in the particular States unless the Legislature shall hereafter direct some uniform qualification to prevail through the States. (II Farrand, "Records of Federal Convention," p. 139.)

(Citizenship; manhood; sanity of mind; previous residence for 1 year, or possession of real property within the State for the whole of 1 year, or enrollment in the militia for the whole of a year.)

Next:

The Members of the House of Representatives shall be chosen biennially by the people of the United States in the following manner. Every freeman of the age of 21 years—having a freehold estate within the United States—who has—having—resided in the United States for the space of 1 whole year immediately preceding the day of election, and has a freehold estate in at least 50 acres of land. (II Farrand, supra, p. 151.)

Then:

The Members of the House of Representatives shall be chosen every second year—in the manner following—by the people of the several States comprehended within this Union—the time and place and the manner of holding the elections and the rules. The qualifications of the electors shall be (appointed) prescribed by the legislatures of the several States; but their provisions—which they shall make concerning them shall be subject to the control of—concerning them may at any time be altered and superseded by the Legislature of the United States. (II Farrand, supra, p. 153.)

Mr. President, that was a proposal which was made at one time, and I am citing all these various proposals to show how the members of that Convention finally drifted to the provision of the Constitution which is now in the sacred document.

In other words, every form of proposal was presented to the Convention. The one I read last was one in which the National Legislature would have the right to prescribe qualifications, but it was turned down. It was considered by the Convention, and the Convention finally drafted that part of article I which is now in the Constitution.

In my mind any Senator who will take the time to read these excerpts, to read the history of the present article of the Constitution which gives to the States the right to prescribe qualifications of voters, will come unequivocally to the conclusion that this was to be done by the States and not by the Congress.

Again, see the next report:

The Members of the House of Representatives shall be chosen every second year, by the people of the several States comprehended within this Union. The qualifications of the electors shall be prescribed by the legislatures of the several States but these provisions concerning them may, at any time, be altered and superseded by the legislature of the United States—the same from time to time as those of the electors, in the several States, of the most numerous branch of their own legislatures.

That proposition was submitted in debate, and I cite it to show the varying views of the members of the Convention and the manner and method proposed by each of them. I cite it merely to show that I do not believe anyone overlooked any argument. In other words, there was free debate on the entire subject, and everyone knew what it was all about. After long debate the present amendment to the Constitution was finally adopted by the Convention, and later ratified by three-fourths of the 13 States.

Every one of these suggestions was thought of long ago. They were discussed and wisely rejected by the framers of our Constitution, when they finally agreed on the form above set out; that is:

The Members of the House of Representatives shall be chosen every second year by the people of the several States comprehended within this Union. The qualifications of the electors shall be the same, from

time to time, as those of the electors in the several States, of the most numerous branch of their own legislatures. (See Farrand, p. 178, art. IV, sec. 1.)

This point, as all others in the much-debated text, was discussed fully. It is interesting to note what such well-informed and brilliant men as Gouverneur Morris; James Wilson, who was a Justice of the United States; Oliver Ellsworth, who was later Chief Justice of the Supreme Court; Colonel Mason; Benjamin Franklin; John Rutledge, who was also a Chief Justice of the United States; and James Madison, thought of the proposed resolution.

I now quote from "Formation of the Union," pages 487, 488, 489, 490, 491 and 492:

Mr. Gouverneur Morris moved to strike out the last member of the section beginning with the words "qualifications of electors", in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.

Mr. Fitzimmons seconded the motion.

Mr. Williamson was opposed to it.

Mr. WILSON. This part of the report was well considered by the committee, and he did not think it would be changed for the better. It was difficult to form any uniform rule of qualifications for all the States. Unnecessary innovations he thought too should be avoided. It would be very hard and disagreeable for the same persons at the same time, to vote for representatives in the State legislature and to be excluded from a vote for those in the National Legislature.

Mr. GOUVERNEUR MORRIS. Such a hardship would be neither great nor novel. The people are accustomed to it and not dissatisfied with it, in several of the States. In some the qualifications are different for the choice of the Governor and the representatives; in others for different houses of the legislature. Another objection against the clause as it stands is that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper.

Mr. Ellsworth thought the qualifications of the electors stood on the most proper footing. The right of suffrage was a tender point, and strongly guarded by most of the State constitutions. The people will not readily subscribe to the national Constitution if it should subject them to be disfranchised. The States are the best judges of the circumstances and temper of their own people.

Colonel MASON. The force of habit is certainly not attended to by those gentlemen who wish for innovations on this point. Eight or nine States have extended the right of suffrage beyond the freeholders, what will the people there say, if they should be disfranchised? A power to alter the qualifications would be a dangerous power in the hands of the Legislature.

Mr. BUTLER. There is no right of which the people are more jealous than that of suffrage. Abridgments of it tend to the same revolution as in Holland where they have at length thrown all power into the hands of the senates, who fill up vacancies themselves, and form a rank aristocracy.

Mr. DICKINSON. Had a very different idea of the tendency of vesting the right of suffrage in the freeholders of the country. He considered them as the best guardians of liberty; and the restriction of the right to them as a necessary defense against the dangerous influence of those multitudes without property and without unpopularity of the innovation it was in his opinion chimerical. The great mass of our citizens is composed at the time of freeholders, and will be pleased with it.

Mr. ELLSWORTH. How shall the freehold be defined? Ought not every man who pays a tax vote for the representative who is to levy and dispose of his money? Shall the wealthy merchants and manufacturers, who will bear the full share of the public burdens be not allowed a voice in the imposition of them—taxation and representation ought to go together.

Mr. GOUVERNEUR MORRIS. He had long learned not to be the dupe of words. The sound of aristocracy therefore had no effect upon him. It was the thing, not the name, to which he was opposed, and one of his principal objections to the Constitution as it is now before us, is that it threatens the country with an aristocracy. The aristocracy will grow out of the House of Representatives. Give the votes to people who have no property, and they will sell them to the rich who will be able to buy them. We should not confine our attention to the present moment. The time is not distant when this country will abound with mechanics and manufacturers who will receive their bread from their employers. Will such men be the secure and faithful guardians of liberty? Will they be the impregnable barrier against aristocracy? He was as little duped by the association of the words taxation and representation. The man who does not give his vote freely is not represented. It is the man who dictates the vote. Children do not vote. Why? Because they want prudence, because they have no will of their own. The ignorant and the dependent can be as little trusted with the public interest. He did not conceive the difficulty of defining freeholders to be insuperable. Still less that the restriction could be unpopular. Nine-tenths of the people are at present freeholders and these will certainly be pleased with it. As to merchants, etc., if they have wealth and value the right they can acquire it. If not they don't deserve it.

Colonel MASON. We all feel too strongly the remains of ancient prejudices, and view things too much through a British medium. A freehold is the qualification in England, and hence it is imagined to be the only proper one. The true idea in his opinion was that every man having evidence of attachment to and permanent common interest with the society ought to share in all its rights and privileges. Was this qualification restrained to freeholders? Does no other kind of property but land evidence a common interest in the proprietor? Does nothing besides property mark a permanent attachment? Ought the merchant, the monied man, the parent of a number of children whose fortunes are to be pursued in his own country, to be viewed as suspicious characters, and unworthy to be trusted with the common rights of their fellow citizens?

Mr. MADISON. The right to suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the legislature.

When he spoke of the legislature he meant Congress.

A gradual abridgement of this right has been the mode in which aristocracies have been built on the ruins of popular forms. Whether the constitutional qualification out to be a freehold, would with him depend much on the probable reception such a change would meet with in the States where the right was now exercised by every description of people. In several of the States a freehold was now the qualification. Viewing the subject in its merits alone, the freeholders of the country would be the safest depositories of republican liberty. In future times a great majority of the people will not only be without land, but any other sort of property. These will either combine under the influence of their common situation; in which case, the rights of property and the public liberty, will not be secure in their hands; or what is more probable, they will become the tools of opulence and ambition, in which case there will be equal danger on another side.

The example of England had been misconceived (by Colonel Mason). A very small proportion of the representatives are there chosen by freeholders.

(At this point Mr. MUSKIE took the chair as Presiding Officer.)

Mr. ELLENDER. Mr. President, I read further:

The greatest part are chosen by the cities and boroughs, in many of which the qualification of suffrage is as low as it is in anyone of the United States, and it is in the boroughs and cities rather than the counties that bribery most prevailed, and the influence of the Crown on election was not dangerously exerted.

Doctor FRANKLIN. It is of great consequence that we should not depress the virtue and public spirit of our common people, of which they displayed a great deal during the war, and which contributed principally to the favorable issue of it. He related the honorable refusal of the American seamen who were carried in great numbers into the British prisons during the war, to redeem themselves from misery or to seek their fortunes, by entering on board the ships of the enemies to their country, contrasting their patriotism with a contemporary instance in which the British seamen made prisoners by the Americans, readily entered on the ships of the latter on being promised a share of the prizes that might be made out of their own country.

This proceeded, he said, from the different manner in which the common people were treated in America and Great Britain. He did not think that the elected had any right in any case to narrow the privileges of the electors. He quoted as arbitrary the British statute setting forth the danger of tumultuous meetings, and under that pretext narrowing the right of suffrage to persons having freeholds of a certain value; observing that this statute was soon followed by another under the succeeding Parliament, subject the people who had no votes to peculiar labors and hardships. He was persuaded also that such a restriction as was proposed would give great uneasiness in the populous States. The sons of a substantial farmer, not being themselves freeholders, would not be pleased at being disfranchised, and there are a great many persons of that description.

Mr. MERCER. The Constitution is objectionable in many points, but in none more than the present. He objected to the footing on which the qualification was put, but particularly to the mode of election by the people.

The people cannot know and judge the characters of candidates. The worst possible choice will be made. He quoted the case of the Senate in Virginia as an example in point. The people in towns can unite their votes in favor of one favorite, and by that means always prevail over the people of the country, who being dispersed, will scatter their votes among a variety of candidates.

Mr Rutledge thought the idea of restraining the right of suffrage to the freeholders a very unadvised one. It would create division among the people and make enemies of all those who should be excluded.

On the question for striking out as moved by Mr. Gouverneur Morris, from the word "qualifications" to the end of the article III:

New Hampshire, "no"; Massachusetts, "no"; Connecticut "no"; Pennsylvania "no"; Delaware "aye"; Maryland divided; Virginia

"no"; North Carolina "no"; South Carolina "no"; Georgia not present.

WEDNESDAY, AUGUST 8, IN CONVENTION

Article IV, section 1 being under consideration, Mr. Mercer expressed his dislike of the whole plan, and his opinion that it never could succeed.

Mr. GHORUM. He had never seen any inconvenience from allowing such as were not freeholders to vote, though it had long been tried. The elections in Philadelphia, New York, and Boston where merchants and mechanics vote are at least as good as those made by freeholders only. The case in England was not accurately stated yesterday (by Mr. Madison). The cities and large towns are not the seat of Crown influence and corruption. These prevail in the boroughs, and not on account of the right which those who are not freeholders have to vote, but of the smallness of the number who vote. The people have been long accustomed to this right in various parts of America, and will never allow it to be abridged. We must consult their rooted prejudices if we expect their concurrence in our propositions.

Mr. Mercer did not object so much to an election by the people at large including such as were not freeholders, as to their being left to make their choice without any guidance. He hinted that candidates ought to be nominated by the State legislatures.

On the question of agreeing to article IV, section 1, it passed nem. con. (Quoted from "U.S. Formation of the Union," p. 487.)

How timely this discussion is today. How true and to the point. I have no need to search for reasons or to manufacture a logician's arguments. I need only take the very words of men whom history has stamped with greatness and foresight to prove my position.

I repeat some of these well-considered words, in fact, I delight to dwell upon their wisdom.

The right of suffrage was a tender point, and strongly guarded by most of the State constitutions.

The States are the best judges of the circumstances and temper of their own people.

A power to alter the qualifications would be a dangerous power in the hands of the legislature (referring to the national legislature).

Particularly note what Benjamin Franklin, noted for his practical, earthy, commonsense, said:

He did not think that the elected had any right in any case to narrow the privileges of the electors.

Turning now from the remarkable document of James Madison, recording the activities of the Constitutional Convention, to the notes of Rufus King, a delegate from Massachusetts to the Constitutional Convention, corroborating the Madison papers, here is King's record of the debate over the clause, "electors to be the same as those of the most numerous branch of the State legislature."

Morris proposed to strike out the clause and to leave it to the State legislatures to establish the qualification of the electors and elected, or to add a clause giving to the national legislature powers to alter the qualifications.

ELLSWORTH. If the legislature can alter the qualifications, they may disqualify three-fourths, or a greater portion of the electors—this would go far to create aristocracy. The clause is safe as it stands—the States have staked their liberties on the qualifications which we have proposed to confirm.

DICKINSON. It is urged that to confine the right of suffrage to the freeholders is a step toward the creation of an aristocracy. This cannot be true. We are all safe by trusting the owners of the soil; and it will not be unpopular to do so, for the freeholders are the more numerous class. Not from freeholders, but from those who are not freeholders, free governments have been endangered. Freeholds are by our laws of inheritance divided among the children of the deceased, and will be parceled out among all the worthy men of the State; the merchants and mechanics may become freeholders; and without being so, they are electors of the State legislatures, who appoint the Senators of the United States.

ELLSWORTH. Why confine the rights of suffrage to freeholders? The rule should be that he who pays and is governed, should be an elector. Virtue and talents are not confined to the freeholders, and we ought not to exclude them.

MORRIS. I disregard sounds and am not alarmed with the word "aristocracy," but I dread the thing and will oppose it, and for this reason I think that I shall oppose this Constitution because it will establish an aristocracy. There cannot be an aristocracy of freeholders if they all are electors. But there will be, when a great and rich man can bring his poor dependents to vote in our elections—unless you establish a qualification of property, we shall have an aristocracy. Limit the right of suffrage to freeholders, and it will not be unpopular, because nine-tenths of the inhabitants are freeholders.

MASON. Everyone who is of full age and can give evidence of his common interest in the community should be an elector. By this rule, freeholders alone have not his common interest. The father of a family, who has no freehold, has this interest. When he is dead his children will remain. This is a natural interest or bond which binds men to their country—lands are but an artificial tie. The idea of counting freeholders as the true and only persons to whom the right of suffrage should be confided is an English prejudice. In England, a Twig and Turf are the electors.

MADISON. I am in favor of entrusting the right of suffrage to freeholders only. It is a mistake that we are governed by English attachments. The Knights of the Shires are chosen by freeholders, but the members of the cities and boroughs are elected by freemen without freeholds, and who have as small property as the electors of any other country. Where is the crown influence seen, where is corruption in the elections practiced—not in the countries, but in the cities and boroughs.

FRANKLIN. I am afraid that by depositing the right of suffrage in the freeholders exclusively we shall injure the lower class of freemen. This class possess hardy virtues and great integrity. The Revolutionary War is a glorious testimony in favor of plebeian virtue—our military and naval men are sensible of this truth. I myself know that our seamen who were prisoners in England refused all the allurements that were made use of, to draw them from their allegiance to their country—threatened with ignominious halters, they still refused.

This was not the case with the English seamen, who on being made prisoners entered into the American service and pointed out where other prisoners could be made—and this arose from a plain cause. The Americans were all free and equal to any of their fellow citizens—the English seamen were not so. In ancient times every freeman was an elector, but afterward England made a law which required that every elector should be a freeholder. This law related to the county elections—the consequence was that the residue of the inhabitants felt themselves disgraced, and in the next Parliament a law was made, authorizing the justice of the peace to fix the price of labor and to compel persons who were not freeholders to labor for those who were, at a stated rate, or to be put in prison as idle vagabonds. From this period the common people of England lost a great portion of attachment to their country.

WEDNESDAY, AUGUST 8.—QUALIFICATIONS OF ELECTORS OF REPRESENTATIVES

GORHAM. The qualifications (being such as the several States prescribe for electors of their most numerous branch of the legislature) stand well.

Gentlemen are in error who suppose the electors of cities may not be trusted. In England the members chosen in London, Bristol, and Liverpool are as independent as the members of the counties of England. The Crown has little or no influence in city election, but has great influence in boroughs, where the votes of freeholders are bought and sold. There is no risk in allowing the merchants and mechanics to be electors; they have been so time immemorial in this country and in England. We must not disregard the habits, usages and prejudices of the people. (Pp. 873, 874, 875, to top p. 876.)

This debate, with the resulting provisions duly considered, was again recorded by Dr. James McHenry, delegate from Maryland—see "U.S. Formation of the Union," pages 934 and 935.

When all the views were aired, and the pros and cons of leaving the qualifications of voters for the National Legislature to be decided by the several States had been debated, the considered result was article I, section 2, of the Constitution of the United States, adopted September 17, 1787.

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Every word of that provision had been torn apart in open discussion, until there can be no possible doubt that it was the intention of the framers of the Constitution to leave to State control the field of voting qualifications.

In submitting the Constitution, Dr. Samuel Johnson, the Delegate from Connecticut, added to it the following letter:

The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trust to one body of men is evident—thence results the necessity of a different organization.

It is obviously impracticable in the Federal Government of these States to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must

give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interest.

In all our deliberations on this subject we kept steadily in our view that which appeared to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid in points of inferior magnitude than might have been otherwise expected, and thus the Constitution, which we now present, is the result of a spirit of amity and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable. That it will meet the full and entire approbation of every State is not perhaps to be expected, but each will doubtless consider that had her interest alone been consulted the consequences might have been particularly disagreeable and injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish. (P. 713, "Formation of the Union.")

Thus we see that at a time when all rights of independent sovereignty could not be secured to each State, when the interest of each State alone could not be considered, when the greatest interest of every American was the consolidation of the Union, even then, when the line was drawn between the rights which had to be surrendered and those which would be reserved, the right to determine the qualification of voters was reserved to each State.

A comment on this is found in McCulloch, "Suffrage and Its Problems," at page 30:

When the more perfect Union was formed under the Constitution of the United States, each State had the right to frame its own laws respecting suffrage. Hence article V was carried over into the new Constitution and became article I, section 2: The franchise for the election of the Members of the House of Representatives shall in every State be the same as for the "most numerous branch of the State legislature." The Constitution did not disturb the diversities of suffrage regulations existing in the several Commonwealths: It adopted them. For the Constitution to have been anything but silent on the regulations of suffrage would have been an innovation, and, as Viscount Bryce observed, the members of the Constitutional Convention were too sound political scientists to ignore precedents. Only in three amendments (and only directly in the 15th and 19th) has the Constitution trenched on the Commonwealth right to regulate suffrage—and even then under extraordinary circumstances.

These amendments I shall discuss later, when I have fully covered the formative period.

McCulloch, in further commenting, says:

While there has been a revolution in the conception of citizenship, there was no such change in the regulation of suffrage, the determining and regulating power continued to rest with the States. However, much as publicists and reformers may desire a uniform national suffrage law, it is unattainable; expediency and constitutionality are both adverse. In fact, such a plan was considered by the Constitutional Convention itself, but it received the vote of only one Commonwealth—Delaware. "The provision made by the Convention appears to be the best that lay within their option." The Fathers were satisfied for the States to continue to make their own suffrage tests, rather than to further prolong the Convention and so further endanger the rather slim chances of ratification by the several Commonwealths. The prospect in the Convention itself was anything but promising. Even Franklin moved to call in a parson that they might invoke the "assistance of Heaven."

The Constitution conferred the franchise on no one. Likewise citizenship does not bestow suffrage, either upon the natural born or the naturalized alien. The several States have the unqualified right to impose qualifications and regulate suffrage subject only to the limitations in the amendments referred to above. In handing down the decision in the case of *Corfield* v. *Coryell*, Judge Washington, in enumerating the privileges and immunities that are usually associated with citizenship, said: "To which is to be added the electve franchise, as regulated and established by the laws or constitution of the State in which it is exercised." (McCulloch, "Suffrage and Its Problems," p. 32.)

Also note what Hart says in his "Formation of the Union," at pages 136–137:

The real boldness of the Constitution is the novelty of the Federal system which it set up.

This was the best of the few elaborate written constitutions ever applied to a federation; and the details were so skillfully arranged that the instrument framed for 13 little agricultural communities works well today for 48 large and populous States. * * * The Convention knew how to select institutions that would stand together; it also knew how to reject what would have weakened the structure.

It was a long time before a compromise between the discordant elements could be reached. To declare the country a centralized nation would destroy the traditions of a century and a half; to leave it an assemblage of States, each claiming independence and sovereignty, would throw away the results of the Revolution. The Convention finally agreed that while the Union should be endowed with adequate powers, the States should retain all powers not specifically granted, and particularly the right to regulate their own internal affairs." ("Formation of the Union," p. 137.)

Mr. President, history records than in 1788 there appeared the first edition of the now famous Federalist, a collection of essays written in favor of the new Constitution as agreed upon by the Federal Convention on September 17, 1787. The authorship of the Federalist has been the subject of great research and argument. It is now conceded that a number of the papers were written by Alexander Hamilton, some by Madison, and a few by Jay. I quote from an introduction to the work by Henry Cabot Lodge:

The Federalist, furthermore, was the first authoritative interpretation of the Constitution, and was mainly written by the two principal authors of that instrument. It was the first exposition of the Constitution and the first step in the long process of development which has given life, meaning, and importance to the clauses agreed upon at Philadelphia. It has acquired all the weight and sanction of a judicial decision, and has been constantly used as an authority in the settlement of constitutional questions. (The Federalist, intro. p. xiv, 2d par.)

In No. 45, by Madison, a paper concerned with the question of whether the whole of the mass of Federal power would endanger the State's authority, the author said:

The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State. (The Federalist, p. 290.)

Next, let us turn to the Federalist, No. 52, by Mr. Hamilton, and probably, it is said, also by Madison:

From the more general inquiries pursued in the four last papers, I pass on to a more particular examination of the several parts of the Government. I shall begin with the House of Representatives.

The first view to be taken of this part of the Government relates to the qualifications of the electors and the elected.

Those of the former are to be the same with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule, would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention.

The qualifications of the elected, being less carefully and properly defined by the State constitutions, and being at the same time more susceptible of uniformity, have been very properly considered and regulated by the Convention. A Representative of the United States must be of the age of 25 years; must have been 7 years a citizen of the United States; must at the time of his election, be an inhabitant of the State he is to represent; and, during the time of his service, must, be in no office under the United States. Under these reasonable limitations, the door of this part of the Federal Government is open to merit of every description, whether native or adoptive, whether young or old, and without regard to poverty or wealth, or to any particular profession of religious faith.

That is from the Federalist, No. 52, pages 327 and 328.

The provision in section 4, clause 1, of article I, is as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any

time by law make or alter such regulations, except as to the places of choosing Senators.

"Manner" here refers to manner of holding elections, the mechanics thereof. Obviously there is no bearing upon voting qualifications. The Congress treated the person of the elector in article I, section 2, and the form or procedure of the election in article I, section 4. That this power was only to be exercised in case of national emergency or failure of the State to provide for an election is made clear by Hamilton in his discussion. I read from the Federalist No. 59:

They have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which, in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.

Nothing can be more evident, than that an exclusive power of regulating elections for the National Government, in the hands of the State legislatures, would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it, by neglecting to provide for the choice of persons to administer its affairs.

That is from the Federalist, page 369, line 32.

Even so, this procedual provision caused considerable objection and discussion in the State conventions which clarified its meaning by argument and emphasized its procedural application only, before they adopted the Constitution. I will discuss this fully in my treatment of the adoption of the Constitution by the various States, which I shall begin at this point.

I read from "Formation of the Union," by Hart, pages 140 to 145:

The text of the Constitution was printed and rapidly distributed throughout the Union. It was still but a lifeless draft, and before it could become an instrument of Government the approving action of Congress, of the legislatures, and of State conventions was necessary. On September 28, 1787, the Congress unanimously resolved that the Constitution be transmitted to the State legislatures. The Federal Convention was determined that the consideration of its work should not depend, like the Articles of Confederation, upon the slow and unwilling humor of the legislatures; but that in each State a convention should be summoned solely to express the will of the State upon the acceptance of the Constitution. It had further avoided the rock upon which had been wrecked the amendments proposed by Congress by providing that when nine State conventions should have ratified the Constitution, it was to take effect for those nine. On the same day that Congress in New York was passing its resolution, the Pennsylvania legislature in Philadelphia was fixing the day for the election of delegates; all the State legislatures followed, except in Rhode Island.

The next 6 months was a period of great anxiety and of national danger. The proposed Constitution was violently attacked in every part of the Union: the President, it was urged, would be a despot, the House of Representatives a corporate tyrant, the Senate an oligarchy. The large States protested that Delaware and Rhode Island would still neutralize the votes of Virginia and Massachusetts in the Senate.

The Federal courts were said to be an innovation. It was known that there had been great divisions in the Convention, and that several influential members had left, or at the last moment refused to sign. "The people of this Commonwealth," said Patrick Henry, "are exceedingly uneasy in being brought from that state of full security which they enjoyed, to the present delusive appearance of things."

As the State conventions assembled, the excitement grew more intense. Four States alone contained within a few thousand of half the population of the Union: they were Massachusetts, Virginia, New York, and North Carolina. In the convention of each of these States there was opposition strong and stubborn, one of them—North Carolina—adjourned without action; in the other three, ratification was obtained with extreme difficulty and by narrow majorities. The first State to come under the "new roof," as the Constitution was popularly called was Delaware. In rapid succession followed Pennsylvania, New Jersey, Georgia, and Connecticut.

In Massachusetts, the sixth State, there was a hard fight; the spirit of the Shays Rebellion was still alive; the opposition of Samuel Adams was only overcome by showing him that he was in the minority; John Hancock was put out of the power to interfere by making him the silent president of the convention. It was suggested that Massachusetts atify on condition that a long list of amendments be adopted by the new government: The friends of the Constitution pointed out that this plan meant only to ratify a part of the Constitution and to reject the rest; each succeeding State would insist on its own list of amendments, and the whole work must be done over. February 6, 1788, the enthusiastic people of Boston knew that the convention, by a vote of 187 to 167, had ratified the Constitution; the amendments being added not as a condition, but as a suggestion. Maryland, South Carolina, and New Hampshire brought the number up to nine.

Before the ninth ratification was known, the fight had been won also in Virginia. Among the champions of the Constitution were Madison, Edmund Randolph, and John Marshall.

James Monroe argued against the system of election which was destined twice to make him President. In spite of the determined opposition of Patrick Henry, and in spite of a proposition to ratify with amendments, the convention accepted. New York still held off. Her acquiescence was geographically necessary; and Alexander Hamilton, by the power of his eloquence and his reason, made clear the advantage of the Constitution to a future commercial State and the 11th ratification was obtained.

During the session of the Convention in Philadelphia, Congress continued to sit in New York; and the Northwest Ordinance was passed at this time. Congress voted that the Constitution had been ratified September 13, 1788; and that elections should proceed for the officers of the new Government, which was to go into operation the first Wednesday in March 1789.

What, meantime, was the situation of the two States, Rhode Island and North Carolina, which had not ratified the Constitution, and which were, therefore, not entitled to take part in the elections?

They had in 1781 entered into a constitution which was to be amended only by unanimous consent; their consent was refused. Had they not a right to insist on the continuance of the old Congress? The new Constitution, they considered, was flatly unconstitutional; it had been ratified by a process unknown to law. The situation was felt to be delicate, and those States were for the time being left to themselves. North Carolina came into the Union by a ratification of November 21, 1789. It was suggested that the trade of States which did not recognize Congress should be cut off, and Rhode Island yielded. May 19, 1790, her ratification completed the Union of the old Thirteen States.

Keeping this summary in mind, let us consider in detail the proceedings and debates in the various States as they pertain to voting qualifications.

Delaware's ratification was the first one to be reported in general convention. Elliott's accounts of the constitutional debates contain nothing on Delaware's convention.

Pennsylvania was second to ratify the Constitution. In a speech by Mr. Wilson, on October 28, 1787, on behalf of the Constitution, he made the following observation:

The legislative department is subdivided into two branches—the House of Representatives and the Senate. Can there be a House of Representatives in the General Government, after the State governments are annihilated? Care is taken to express the character of the electors in such a manner, that even the popular branch of the general government, cannot exist unless the governments of the States continue in existence.

How do I prove this? By the regulation that is made concerning the important subject of giving suffrage. Article I, section 2: "And the electors in each State shall have the qualifications for electors of the most numerous branch of the State legislature." Now, sir, in order to know who are qualified to be electors of the House of Representatives, we are to inquire who are qualified to be electors of the legislature of each State.

If there be no legislature in the States, there can be no electors of them: if there be no such electors, there is no criterion to know who are qualified to elect Members of the House of Representatives. By this short, plain deduction, the existence of State legislatures is proved to be essential to the existence of the General Government (Elliott II, "Constitutional Debates," p. 438).

Concerning section 4 of article 1, Mr. Wilson, who was one of the members of the committee of detail, said:

I will read it: "The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators."

And is this a proof that it was intended to carry on this Government after the State governments should be dissolved and abrogated? This clause is not only a proper, but necessary one.

I have already shown what pains have been taken in the Convention to secure the preservation of the State governments. I hope, sir, that it was no crime to sow the seed of self-preservation in the Federal Government; without this clause, it would not possess self-preserving power. By this clause, the times, places, and manner of holding elections, shall be prescribed in each State, by the legislature thereof. I think it highly proper that the Federal Government should throw the exercise of this power into the hands of the State legislatures; but not that it should be placed there entirely without control.

If the Congress had it not in their power to make regulations, what might be the consequences? Some States might make no regulations at all on the subject. And shall the existence of the House of Representatives, the immediate representation of the people in Congress, depend upon the will and pleasure of the State governments? Another thing may possibly happen; I don't say it will, but we were obliged to guard even against possibilities, as well as probabilities.

A legislature may be willing to make the necessary regulations; yet the minority of that legislature may, by absenting themselves, break up the house, and prevent the execution of the intention of the majority. I have supposed the case, that some State governments may make no regulations at all; it is possible, also, that they may make improper regulations. I have heard it surmised by the opponents of this Constitution, that the Congress may order the election for Pennsylvania to be held at Pittsburgh, and thence conclude that it would be improper for them to have the exercise of power. But suppose, on the other hand, that the assembly should order an election to be held at Pittsburgh; ought not the General Government to have the power to alter such improper election of one of its own constituent parts? But there is an additional reason still that shows the necessity of this provisionary clause. The Members of the Senate are elected by the State legislatures. If those legislatures, possessed, uncontrolled, the power of prescribing the times, place, and manner, of electing Members of the House of Representatives, the members of one branch of the general legislature would be the tenants at will of the electors of the other branch; and the general government would lie prostrate at the mercy of the legislatures of the several States.

I will ask now, is the inference fairly drawn that the General Government was intended to swallow up the State governments? Or was it calculated to answer such end? Or do its framers deserve such censure from honorable gentlemen? We find, on examining this paragraph, that it contains nothing more than the maxims of self-preservation, so abundantly secured by this Constitution to the individual States. Several other objections have been mentioned. I will not, at this time, enter into a discussion of them, though I may hereafter take notice of such as have any show of weight; but I thought it necessary to offer, at this time, the observations I have made, because I consider this as an important subject, and think the objection would be a strong one if it was well founded. (Elliott II, supra, pp. 440-441.)

Again:

The power over elections, and of judging of elections, give absolute sovereignty. This power is given to every State legislature; yet I see no necessity that the power of absolute sovereignty should accompany it. My general position is that the absolute sovereignty never goes from the people. (Elliott II, supra, pp. 464-465.)

Mr. Wilson leaves no doubt as to the meaning of the Constitution as he reiterates:

Permit me to proceed to what I deem another excellency of this system: All authority, of every kind, is derived by representation from the people, and the democratic principle is carried into every part of the Government, I had an opportunity, when I spoke first, of going fully into an elucidation of this subject. I mean not now to repeat what I then said.

I proceed to another quality that I think estimable in this system: It secures, in the strongest manner, the right of suffrage. Montesquieu, book 2, chapter 2, speaking of laws relative to democracy, says:

When the body of the people is possessed of the supreme power, this is called a democracy. When the supreme power is lodged in the hands of a part of the people, it is then an aristocracy.

In a democracy the people are in some respects the sovereign, and in others the subject.

There can be no exercise of sovereignty but by their suffrages, which are their own will. Now, the sovereign's will is the sovereign himself. The laws, therefore, which establish the right of suffrage, are fundamental to this government. And, indeed, it is as important to regulate, in a republic, in what manner, by whom, to whom, and concerning what, suffrages are to be given, as it is, in a monarchy, to know who is the prince, and after what manner he ought to govern.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. TOWER. Is it not true that at the time the Constitution was adopted, only approximately one-seventh of the adult people of this country could vote? Is it not true that in the time that has elapsed since then we have democratized our institutions, and have vastly broadened the suffrage to include more and more people?

Mr. ELLENDER. The Senator is correct. We have made it easier for people to vote. I agree with the Senator's first statement. Before he came into the Chamber, I was discussing the criticism by the framers of the Constitution when they compared the various things that voters had to do in order to qualify as voters. The vast majority of the people, of course, had no property. However, gradually, the Colonies, as well as the States thereafter, changed the procedure in order to permit more and more people to vote. What I am now reading is taken from the debates that took place when the convention ratified the Constitution. There is no question in my mind that if defining qualifications of voters had not been left to the States, we might not have had a Constitution today. I do not recall one of the Thirteen Original Colonies that did not desire to retain in its own constitution the right to define who shall and who shall not vote.

Mr. TOWER. Mr. President, will the Senator yield further for a question?

Mr. ELLENDER. I yield.

Mr. TOWER. Is it not true that over a period of many years it has been the people and the States themselves that have acted to broaden the suffrage and to extend it further and further? Is it not true, for example, that at one time the State of Louisiana had a poll tax but does not now have a poll tax, the people of that State on their own initiative having removed the poll tax?

Mr. ELLENDER. The Senator is correct. I am glad to say that I was a member of the Louisiana State Legislature in 1932 when that action was taken. There was no serious objection to it at that time. I was one of the coauthors of the bill to remove the poll tax as a requirement to vote. That same action has now been taken by all the States of the Union with the exception of five. It is my hope that in time those five States will also change that requirement.

Mr. TOWER. Does it not seem logical to the Senator that because of the trend that has been established, those five States will someday consider the poll tax a nuisance and will eventually do away with the poll tax?

Mr. ELLENDER. I do not think there is any doubt about it.

Mr. TOWER. I thank the Senator.

Mr. ELLENDER. To continue the quotation:

In this system, it is declared that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. This being made the criterion of the right of suffrage, it is consequently secured, because the same Constitution guarantees to every State in the Union a republican form of Government. The right of suffrage is fundamental to the republics. (Elliott II, supra, p. 482.)

In response to further objections to article I, section 4, Mr. Wilson said:

It is repeated, again and again, by the honorable gentleman, that "the power over elections, which is given to the General Government in this system is a dangerous power." I must own I feel, myself, surprised that an objection of this kind should be persisted in, after what has been said by the honorable colleague in reply. I think it has appeared, by a minute investigation of the subject, that it would have been not only unwise, but highly improper, in the late convention, to have omitted this clause, or given less power than it does over elections. Such powers, sir, are enjoyed by every State government in the United States. In some they are of a much greater magnitude; and why should this be the only one deprived of them? Ought not these, as well as every other legislative body, to have the power of judging of the qualifications of its own members? "The times, places, and manner of holding elections for representatives may be altered by Congress." This power, sir, has been shown to be necessary, not only on some particular occasions, but even to the very existence of the Federal Government. I have heard some very improbable suspicions indeed suggested with regard to the manner in which it will be exercised. Let us suppose it may be improperly exercised; is it not more likely so to be by the particular States than by the Government of the United States?—because the General Government will be more studious of the good of the whole than a particular State will be; and therefore, when the power of regulating the time, place, or manner of holding elections, is exercised by the Congress, it will be to correct the improper regulations of a particular State. (Elliott II, supra, p. 509.)

Mr. McKean enumerated the arguments against the Constitution. No. 4 was that Congress could, by law, deprive the electors of a fair choice of their representatives by fixing improper times, places, and modes of election. He answered that argument as follows:

Every house of representatives are of necessity to be the judges of the elections returns, and qualifications of its own members. It is therefore their province, as well as duty, to see that they are fairly chosen, and are the legal members; for this purpose, it is proper they should have it in their power to provide that the times, places, and manner of election should be such as to insure free and fair elections. (Elliott II, supra, p. 535.)

Obviously this text had reference to procedure only, and insures against the failure of a State to provide for an election; it had no bearing upon the qualifications of the electors, or voters, which was specifically left to the States in article I, section 2.

However, being zealous in their guard of their rights, a group of citizens of Pennsylvania gathered at a meeting in Harrisburg suggested a number of amendments to be submitted to the new

Constitution. Among them was the following provision:

That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue. (Elliott II, supra, p. 545, sec. 4.)

Pennsylvania ratified the Constitution December 12, 1787; New Jersey, December 18, 1787.

Connecticut was fourth on the list to come under the roof. I have found no argument specifically on the point of State control of voting qualifications, so I shall only note, in passing, the general observation of Governor Huntingdon, of Connecticut:

The State governments, I think, will not be endangered by the powers vested by this Constitution in the General Government. While I have attended in Congress, I have observed that the Members were quite as strenuous advocates for the rights of their respective States, as for those of the Union. I doubt not but that this will continue to be the case; and hence I infer that the General Government will not have the disposition to encroach upon the States.

On January 9, 1788, Connecticut ratified the Constitution—Elliott II, supra, page 199.

The Massachusetts convention entered upon the consideration of the proposed Constitution on January 9, 1788. Here we find an extensive discussion of section 4 of article I:

Mr. Pierce (from Partridgefield), after reading the fourth section, wished to know the opinion of gentlemen on it, as Congress appeared thereby to have a power to regulate the time, place, and manner of holding elections. In respect to the manner, said Mr. Pierce, suppose the legislature of this State should prescribe that the choice of the Federal Representatives should be in the same manner as that of Governor—a majority of all the votes in the State being necessary to make it such—and Congress should deem it an improper manner, and should order that it be as practiced in several of the Southern States, where the highest number of votes makes a choice—have they not power by this section to do so? Again, as to the place, continues Mr. Pierce, may not Congress direct, that the election for Massachusetts shall be held in Boston? And if so, it is possible that, previous to the election, a number of the electors may meet, agree upon the eight delegates, and propose the same to a few towns in the vicinity, who, agreeing in sentiment, may meet on the day of election, and carry their list by a major vote. He did not, he said, say that this would be the case; but he wished to know if it was not a possible one.

Mr. Bishop rose, and observed that, by the fourth section, Congress would be enabled to control the elections of Representatives. It has been said, says he, that this power was given in order that refractory States may be made to do their duty. But if so, sir, why was it not so mentioned? If that was the intention, he asked why the clause did not run thus: "The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but, if any State shall refuse or neglect so to do, Congress may," etc. This, he said, would admit of no prevarication. (Elliott II, supra, p. 22.)

He proceeded to observe, that if the States shall refuse to do their duty, then let the power be given to Congress to oblige them to do it.

But if they do their duty, Congress ought not to have the power to control elections. In an uncontrolled representation, says Mr. Bishop, lies the security of freedom; and he thought by these clauses, that that freedom was sported with. In fact, says he, the moment we give Congress this power, the liberties of the yeomanry of this country are at an end. But he trusted they would never give it; and he felt a consolation from the reflection.

The fourth section, which provides that the State legislatures shall prescribe the time, place, and manner of holding elections, and that Congress may at any time make or alter them, except in those of Senators, though not in regular order, under deliberation.

The Honorable Mr. Strong followed Mr. Bishop, and pointed out the necessity there is for the fourth section. The power, says he, to regulate the elections of our Federal representatives must be lodged somewhere.

I know of but two bodies wherein it can be lodged—the legislatures of the several States, and the general Congress. If the legislative bodies of the States, who must be supposed to know at what time, and in what place and manner, the elections can best be held, should so appoint them, it cannot be supposed that Congress, by the power granted by this section, will alter them; but if the legislature of a State should refuse to make such regulations, the consequence will be, that the Representatives will not be chosen, and the General Government will be dissolved. In such case, can gentlemen say that a power to remedy the evil is not necessary to be lodged somewhere?

Mr. J. C. Jones said, it was not right to argue the possibility of the abuse of any measure against its adoption. The power granted to Congress by the fourth section, says he, is a necessary power; it will provide against negligence and dangerous designs. The Senators and Representatives of this State, Mr. President, are now chosen by a small number of electors; and it is likely we shall grow equally negligent of our Federal elections; or, sir, a State may refuse to send to Congress its Representatives, as Rhode Island has done. Thus we see its necessity.

To say that the power may be abused, is saying what will apply to all power. The Federal Representatives will represent the people; they will be the people; and it is not probable they will abuse themselves. Mr. Jones concluded with repeating that the arguments against this power could be urged against any power whatever.

Reverend Mr. WEST. I rise to express my astonishment at the arguments of some gentlemen against this section. They have only stated possible objections. I wish the gentlemen would show us that what they so much deprecate is probable. Is it probable that we shall choose men to ruin us? Are we to object to all governments?

And because power may be abused, shall we be reduced to anarchy and a state of nature? What hinders our State legislatures from abusing their powers? They may violate the Constitution; they may levy taxes oppressive and intolerable, to the amount of all our property. An argument which proves too much, it is said, proves nothing. Some say Congress may remove the place of elections to the State of South Carolina. This is inconsistent with the words of the Constitution, which says, "that the elections, in each State, shall be prescribed by the legislature thereof," and so forth, and that representation be apportioned according to numbers; it will frustrate the end of the Constitution, and is a reflection on the gentlemen who formed it. Can we, sir, suppose them so wicked, so vile, as to recommend an tricle so dangerous? (Elliott II, supra, p. 23.)

The debate continued at length, while men sought to construe and interpret, to assure themselves that the State control of its elections was not superseded. The Honorable Mr. King, in the course of his speech, said:

The idea of the honorable gentleman from Douglass, said he, transcends my understanding; for the power of control given by this section extends to the manner of election, not to qualifications of the electors. (Elliott II, supra, p. 51.)

The temper of the convention is well illustrated by the words of Mr. Adams, speaking to the Chair, John Hancock presiding, of the convention:

Another of your excellency's propositions is calculated to quiet the apprehensions of gentlemen lest Congress should exercise an unreasonable control over the State legislatures, with regard to the time, place, and manner of holding elections, which, by the fourth section of the first article, are to be prescribed in each State by the legislature thereof, subject to the control of Congress. I have had my fears lest this control should infringe the freedom of elections, which ought ever to be held sacred. Gentlemen who have objected to this controlling power in Congress have expressed their wishes that it had been restricted to such States as may neglect or refuse that power vested in them, and to be exercised by them if they please. Your excellency proposes, in substance, the same restriction, which I should think, cannot but meet with their full approbation. (Elliott II, supra, pp. 131 and 132.)

Mr. Mason was still worried over the possibilities of section 4. Said he:

We now come, sir, to the fourth section. Let us see: the time, place, and manner of holding elections, shall be prescribed in each State by the legislature thereof. No objections to this: but, sir, after the flash of lightning comes the peal of thunder. "But Congress may at any time alter them," and so forth. Here it is, Mr. President, this is the article which is to make Congress omnipotent. Gentlemen say, this is the greatest beauty of the Constitution; this is the greatest security for the people; this is the all in all. Such language have I heard in this house; but, sir, I say, by this power Congress may, if they please, order the election of Federal Representatives for Massachusetts to be at Great Barrington or Machias; and at such a time, too, as shall put it in the power of a few artful and designing men to get themselves elected at their pleasure. (Elliott II, supra, pp. 135 and 136.)

On February 7, 1788, Massachusetts ratified the Constitution, and added to its report these words:

And, as it is the opinion of this convention, that certain amendments and alterations in the said Constitution would remove the fears and quiet the apprehensions of many of the good people of the commonwealth, and more effectually guard against an undue administration of the Federal Government, the convention do therefore recommend that the following alterations and provisions be introduced into the said Constitution. Thirdly—That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases where a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeable to the Constitution. (See Elliott II, supra, p. 177.)

With the qualifications of voters definitely to be regulated by the States under the Constitution, still the people of Massachusetts were so concerned with the possible abuse of the power of Congress over the "time, place, manner," or procedure of an election that they wished it clearly understood that Congress should assume the exercise of such power only in case of extreme necessity, where neglect of duty by a State compelled it.

As pointed out on several occasions, that part of the Constitution dealing with the times, places, and manner of holding elections and so forth, dealt only with the mechanics of an election, not with the qualification of voters. That was reserved to the States, as I have been trying to demonstrate. The States themselves, in ratifying the Federal Constitution, saw to it that the right to spell out the qualifications of their electors should be a prerogative of the State, and was not to be exercised by the Congress under any condition.

As I stated a while ago in answer to a question by the distinguished Senator from Texas [Mr. TOWER], these are speeches made in 1788, interpreting the Constitution as we are now seeking to have it interpreted; namely, that the qualifications of voters must and should be left to the States.

No. 6 to ratify the Constitution was Georgia, January 2, 1788.

No. 7 was Maryland. Among the amendments proposed to be suggested by the States was the following:

2. That the Congress shall have no power to alter or change the time, place, or manner of holding elections for Senators or Representatives, unless a State shall neglect to make regulations, or to execute its regulations, or shall be prevented by invasion or rebellion, in which cases only, Congress may interfere, until the cause be removed. (See Elliott II, supra, p. 552.)

However, so many amendments were suggested that, through fear of obtaining no security at all for the people, the Constitution was ratified.

In speaking to the Maryland House of Delegates, Mr. James McHenry, referring to the section in the Constitution providing that the qualifications of electors be the same as those of electors for the State legislature, said:

To this section it was objected that if the qualifications of the electors were the same as in the State governments, it would involve in the Federal system all the disorders of a democracy; and it was therefore contended, that none but freeholders, permanently interested in the Government ought to have a right of suffrage. The venerable Franklin opposed to this the natural rights of man—their rights to an immediate voice in the general assemblage of the whole Nation, or to a right of suffrage and representation, and he instanced from general history and particular events the indifference of those, to the prosperity and welfare of the States who were deprived of it. (Quote III Farrand, Records of the Federal Convention, p. 146.)

Also concerning section 4, he said:

It was thought expedient to vest the Congress with the powers contained in this section, which particular exigencies might require them to exercise, and which the immediate representatives of the people can never be supposed capable of wantonly abusing to the prejudice of their constituents—convention had in contemplation the possible events of insurrection, invasion, and even to provide against any disposition that might occur hereafter in any particular State to thwart the measures of the General Government. (Farrand III, supra, p. 148.)

On May 23, 1788, Maryland ratified the Constitution.

South Carolina met in convention to consider the Constitution, May 12, 1788. Speaking of the much-debated fourth section of article I, giving Congress supervisory power over the time, place, and manner of elections, Mr. Pinckney, who was also one of the delegates to the Federal Convention, and in excellent position to know the intention of that body, said:

But if any State should attempt to fix a very inconvenient time for the election, and name (agreeably to the ideas of the honorable gentlemen) only one place in the State, or even one place in one of the five election districts, for the freeholders to assemble to vote, and the people should dislike this arrangement, they can petition the General Government to redress this inconvenience, and to fix times and places of election of Representatives in the State in a more convenient manner; for, as this house has a right to fix the times and places of election, in each parish and county, for the members of the house of representatives of this State, so the General Government has a similar right to fix the times and places of election in each State for the Members of the General House of Representatives. Nor is there any real danger to be apprehended from the exercise of this power, as it cannot be supposed that any State will consent to fix the election at inconvenient seasons and places in any other State, lest she herself should hereafter experience the same inconvenience; but it is absolutely necessary that the Congress should have this superintending power, lest, by the intrigues of a ruling faction in a State, the Members of the House of Representatives should not really represent the people of the State, and lest the same faction, through partial State views, should altogether refuse to send representatives of the people to the General Government. (IV Elliott, supra, p. 303.)

When South Carolina ratified the Constitution, May 23, 1788, they added this observation, or recommendation, to the ratification:

And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operations of a General Government, that the right of prescribing the manner, time and places, of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the several States, this convention doth declare that the same ought to remain to all posterity, a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same, according to the tenor of the said Constitution. (I Elliott, supra, p. 323.)

New Hampshire acted ninth of all the States, and we find no discussion there of the sections involving voting qualifications. However, we do find New Hampshire, equally watchful, recommending the following amendment, among others, to the Constitution:

III. That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned. (Elliott I, supra, p. 326.)

On September 17, 1787, Virginia ratified the Constitution. The Virginia convention was lengthy, the debates heated and protracted. Article I, section 2, providing that the electors of the delegates to the House of Representatives shall have the qualifications for electors of the more numerous branch of the State legislature, was read. Mr. George Nicholas spoke as follows—Elliott III, supra, pages 8, 9, 10:

Secondly, as it respects the qualifications of the elected. It has ever been considered a great security to liberty, that very few should be excluded from the right of being chosen to the Legislature. This Constitution has amply attended to this idea. We find no qualifications required except those of age and residence, which create a certainty of their judgment being matured, and of being attached to their State. It has been objected, that they ought to be possessed of landed estates; but, sir, when we reflect that most of the electors are landed men, we must suppose they will fix on those who are in a similar situation with themselves. We find there is a decided majority attached to the landed interest; consequently, the landed interest must prevail in the choice. Should the State be divided into districts, in no one can the mercantile interest by any means have an equal weight in the elections; therefore, the former will be more fully represented in the Congress; and men of eminent abilities are not excluded for the want of landed property. There is another objection which has been echoed from one end of the continent to the other—that Congress may alter the time, place, and manner of holding elections; that they may direct the place of elections to be where it will be impossible for those who have a right to vote, to attend; for instance, that they may order the freeholders of Albemarle to vote in the county of Princess Anne, or vice versa; or regulate elections, otherwise, in such a manner as totally to defeat their purpose, and lay them entirely under the influence of Congress.

I flatter myself, that, from an attentive consideration of this power, it will clearly appear that it was essentially necessary to give it to Congress as, without it, there could have been no security for the General Government against the State legislatures. What, Mr. Chairman, is the danger apprehended in this case? If I understand it right, it must be that Congress might cause the elections to be held in the most inconvenient places, and at so inconvenient a time, and in such a manner, as to give them the most undue influence over the choice, nay, even to prevent the elections from being held at all—in order to perpetuate themselves. But what would be the consequence of this measure? It would be this, sir—that Congress would cease to exist; it would destroy the Congress itself; it would absolutely be an act of suicide; and therefore it can never be expected. This alteration, so much apprehended, must be made by law; that is, with the concurrence of both branches of the legislature.

Will the House of Representatives, the Members of which are chosen only for 2 years, and who depend on the people for their reelection, agree to such an alteration? It is unreasonable to suppose it.

But let us admit, for a moment, that they will: what would be the consequence of passing such a law? It would be, sir, that, after the expiration of the 2 years, at the next election they would either choose such men as would alter the law, or they would resist the Government. An enlightened people will never suffer what was established for their

security to be perverted to an act of tyranny. It may be said, perhaps, that resistance would then become vain; Congress is vested with the power of raising an army; to which I say, that if ever Congress shall have an army sufficient for their purpose, and disposed to execute their unlawful commands, before they would act under this disguise, they would pull off the mask, and declare themselves absolute. I ask, Mr. Chairman, is it a novelty in our Government? Has not our State legislature the power of fixing the time, places, and manner of holding elections? The possible abuse here complained of never can happen as long as the people of the United States are virtuous. As long as they continue to have sentiments of freedom and independence, should the Congress be wicked enough to harbor so absurd an idea as this objection supposes, the people will defeat their attempt by choosing other representatives, who will alter the law. If the State legislature, by accident, design, or any other cause, would not appoint a place for holding elections, then there might be no election till the time was past for which they were to have been chosen; and as this would eventually put an end to the Union, it ought to be guarded against; and it could only be guarded against by giving this discretionary power, to the Congress, of altering the time, place, and manner of holding the elections.

It is absurd to think that Congress will exert this power, or change the time, place, and manner established by the States, if the State will regulate them properly, or so as not to defeat the purposes of the Union. It is urged that the State legislature ought to be fully and exclusively possessed of this power. Were this the case, it mightly certainly defeat the Government. As the powers vested by this plan on Congress are taken from the State legislature, they would be prompted to throw every obstacle in the way of the General Government. It was then necessary that Congress should have this power.

I read from Elliott III, pages 8, 9, and 10:

Another strong argument for the necessity of this power is, that, if it was left solely to the States, there might have been as many times of choosing as there are States. States having solely the power of altering or establishing the time of election, it might happen that there should be no Congress.

Not only by omitting to fix a time, but also by the elections in the States being at 13 different times, such intervals might elapse between the first and last election, as to prevent there being a sufficient number to form a house; and this might happen at a time when the most urgent business rendered their session necessary; and by this power, this great part of the representation will be always kept full, which will be a security for a due attention to the interest of the community; and also the power of Congress to make the times of elections uniform in all the States, will destroy the continuance of any cabal, as the whole body of Representatives will go out of office at once.

Governor Randolph, although he would not sign the Constitution at the time it was designed, defended it in an impassioned address.

Mr. Henry was equally impassioned in his plea to turn down the Constitution. Note what he says of section 4, article I, as outlined in Elliott III, page 60, as follows:

What can be more defective than the clause concerning the elections? The control given to Congress over the time, place, and manner of holding elections will totally destroy the end of suffrage. The elections may be held at one place, and the most inconvenient in the State; or they may be at remote distances from those who have a right of suffrage; hence 9 out of 10 must either not vote at all, or vote for strangers; for the most influential characters will be applied to, to know who are the most proper to be chosen. I repeat, that the control of Congress over the manner, and so forth, of electing, well warrants this idea. The natural consequence will be that this democratic branch will possess none of the public confidence; the people will be prejudiced against representatives chosen in such an injudicious manner.

Mr. Corbin, answering Mr. Henry, in part, said:

Do the people wish land only to be represented? They have their wish: for the qualifications which the laws of the State require to entitle a man to vote for a State representative are the qualifications required by this plan to vote for a Representative of Congress; and in this State, and most of the others, the possession of a freehold is necessary to entitle a man to the privilege of a vote.

This is from Elliott III, pages 110 and 111.

Governor Randolph, also answering Mr. Henry, said:

The State will be laid off and divided into 10 districts: from each of these a man is to be elected. He must be really the choice of the people, not the man who can distribute the most gold; for the riches of Croesus would not avail. The qualifications of the electors being the same as those of the representatives for the State legislatures, and the election being under the control of the legislature, the prohibitory provisions against undue means of procuring votes to the State representation extend to the Federal Representatives; the extension of the sphere of election to so considerable a district will render it impossible for contracted influence, or local intrigues, or personal interest, to procure an election. Inquiries will be made, by the voters, into the characters of the candidates. Greater talents, and a more extensive reputation, will be necessary to procure an election for the Federal than for the State representation. The Federal Representatives must therefore be well known for their integrity, and their knowledge of the country they represent. We shall have 10 men thus elected. What are they going yonder for? Not to consult for Virginia alone, but for the interest of the United States collectively. Will not such men derive sufficient information from their own knowledge of their respective States, and from the codes of the different States?

That is from Elliott III, page 125, line 24, to line 5, page 126.

Mr. Henry retorted at length and resorted to bitter vituperative remarks. He said:

I shall make a few observations to prove that the power over elections, which is given to Congress, is contrived by the Federal Government, that the people may be deprived of their proper influence in the Government, by destroying the force and effect of their suffrages. Congress is to have a discretionary control over the time, place, and manner of elections. The Representatives are to be elected, consequently, when and where they please. As to the time and place, gentlemen have attempted to obviate the objection by saying, that the time is to happen once in 2 years, and that the place is to be within a particular district, or in the respective counties. But how will they obviate the danger of referring the manner of election to Congress? Those illumined genii may see that this may not endanger the rights of the people, but in my unenlightened understanding, it appears plain and clear that it will impair the popular weight in the Government. Look at the Roman history. They had two ways of voting—the one by tribes, and the other by centuries. By the former, numbers prevailed; in the latter, riches preponderated. According to the mode prescribed, Congress may tell you that they have a right to make the vote of 1 gentleman go as far as the votes of 100 poor men. The power over the manner admits of the most dangerous latitude. They may modify it as they please. They may regulate the number of votes by the quantity of property, without involving any repugnancy to the Constitution. I should not have thought of this trick or contrivance, had I not seen how the public liberty of Rome was trifled with by the mode of voting by centuries, whereby one rich man had as many votes as a multitude of poor men. The plebeians were trampled on till they resisted. The patricians trampled on the liberties of the plebeians till the latter had the spirit to assert their right to freedom and equality. The result of the American mode of election may be similar.

Perhaps I may be told that I have gone through the regions of fancy—that I deal in noisy exclamations and mighty professions of patriotism. Gentlemen may retain their opinions; but I look on that paper as the most fatal plan that could possibly be conceived to enslave a free people. If such be your rage for novelty, take it, and welcome; but you never shall have my consent. My sentiments may appear extravagant, but I can tell you that a number of my fellow citizens have kindred sentiments and I am anxious, if my country should come into the hands of tyranny, to exculpate myself from being in any degree the cause, and to exert my faculties to the utmost to extricate her. Whether I am gratified or not in my beloved form of government, I consider that the more she has plunged into distress, the more it is my duty to relieve her. Whatever may be the result, I shall wait with patience till the day may come when an opportunity shall offer to exert myself in her cause. (Elliott III, pp. 175 and 176.)

Governor Randolph, in answering Mr. Henry, was sure that the language in article I, section 4, could not possibly be stretched to the extent visualized by Mr. Henry. Governor Randolph felt that section 2 of article I, which says that the qualifications of electors shall be fixed by the States, was sufficiently clear to negative any possibility of the Federal Government taking over State elections. I quote from Governor Randolph's answer:

His (Mr. Henry's) interpretation of elections must be founded on a misapprehension. The Constitution says, that the times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof, but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators. It says, in another place, "that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." Who would have conceived it possible to deduce, from these clauses, that the power of election was thrown into the hands of the rich? As the electors of the Federal representatives are to have the same qualifications with those of the representatives of this State legislature, or, in other words, as the electors of the one are to be electors of the other, this suggestion is unwarrantable, unless he carries his supposition farther, and says that Virginia will agree to her own suicide, by modifying elections in such manner as to throw them into the hands of the rich. The honorable gentleman has not given us a fair

object to be attacked; he has not given us anything substantial to be examined. (Elliott III, p. 202.)

Mr. John Marshall, speaking in behalf of the Constitution said:

If there be no impropriety in the mode of electing the representatives, can any danger be apprehended? They are elected by those who can elect representatives in the State legislature. (See Elliott, supra, p. 230.)

When article I, section 4, was read in its proper turn in the Virginia convention, having been previously discussed in general with the rest of the document—

Mr. Monroe wished that the honorable gentleman, who had been in the Federal convention, would give information respecting the clause concerning elections. He wished to know why Congress had an ultimate control over the time, place, and manner of elections of Representatives, and the time and manner of that of Senators, and also why there was an exception as to the place of electing Senators. (Elliott III, supra, p. 366.)

It was found necessary to leave the regulation of these, in the first place, to the State governments, as being best acquainted with the situation of the people, subject to the control of the general government in order to enable it to produce uniformity and prevent its own dissolution. And, considering the State governments and general governments as distinct bodies, acting in different and independent capacities for the people, it was thought the particular regulations should be submitted to the former, and the general regulations to the latter.

Again, we see the framers of the Constitution intent on the protection of the provision for election by the States, in the event of their negligent failure to provide therefor. At all times they conceded the States' rights to provide for voting qualifications in their own limits more suitably than Congress could.

When Virginia finally ratified the Constitution they added a list of amendments which they suggested and sought. Among these was the following:

16. That Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for Senators, or Representatives, or either of them except when the legislature of any State shall neglect, refuse, or be disabled, by invasion or rebellion, to prescribe the same. (Elliott III, supra, p. 661.)

Again we see a State convention desiring that the meaning of the framers be put into unquestionably plain language.

New York, the 10th State to act, ratified the Constitution July 26, 1788. Apparently, as in most of the State conventions, section 2 of article I, met with approval, as there was no fault to be found with the provision that the qualifications of the electors should be the same as for those of the most numerous branch of the State legislature. But again we find dissatisfaction with the possibilities of abuse latent in section 4 of article I:

Mr. Jones rose and observed that it was a fact universally known that the present Confederation had not proved adequate to the purposes of good government. Whether this arose from the want of powers in the Federal head or from other causes, he would not pretend to determine. Some parts of the proposed plan appeared to him imperfect or at least not satisfactory. He did not think it right that Congress should have the power of prescribing or altering the time, place and manner of holding elections. He apprehended that the clause might be so construed as to deprive the States of an essential right, which, in the true design of the Constitution, was to be reserved to them. He, therefore, wished the clause might be explained and proposed, for the purpose, the following amendment: "*Resolved,* as the opinion of the committee that nothing in the Constitution, now under consideration shall be construed to authorize the Congress to make or alter regulations, in any State, respecting the times, places or manner of holding elections for Senators or Representatives, unless the legislature of such State shall neglect or refuse to make laws or regulations for the purpose, or, from any circumstance, be incapable of making the same, and then only until the legislature of such State shall make provision in the premises."

The Honorable Mr. Jay said that, as far as he understood the ideas of the gentleman, he seemed to have doubt with respect to this paragraph, and feared it might be misconstrued and abused. He said that every government was imperfect, unless it had a power of reserving itself. Suppose that, by design or accident, the States should neglect to appoint representatives; certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power, by law, to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal Convention. (Elliott II, supra, p. 325.)

Mr. Smith expressed his surprise that the gentleman should want such an explanation. He conceived that the amendment was founded on the fundamental principles of representative government. As the Constitution stood, the whole State might be a single district for election. This would be improper. The State should be divided into as many districts as it sends Representatives. The whole number of Representatives might otherwise be taken from a small part of the State, and the bulk of the people, therefore, might not be fully represented. He would say no more at present on the propriety of the amendment. The principle appeared to him so evident that he hardly knew how to reason upon it until he heard the arguments of the gentlemen in opposition.

Mr. DUANE. I will not examine the merits of the measure the gentleman recommends. If the proposed mode of election be the best, the legislature of this State will undoubtedly adopt it. But I wish the gentleman to prove that his plan will be practicable and will succeed. By the constitution of this State, the representatives are apportioned among the counties, and it is wisely left to the people to choose whom they will, in their several counties, without any further division into districts. Sir, how do we know the proposal will be agreeable to the other States? Is every State to be compelled to adopt our ideas on all subjects? If the gentleman will reflect, I believe he will be doubtful of the propriety of these things. Will it not seem extraordinary that any one State should presume to dictate to the Union? As the Constitution stands, it will be in the power of each State to regulate this important point. While the legislatures do their duty, the exercise of their discretion is sufficiently secured. Sir, this measure would carry with it a presumption which I should be sorry to see in the acts of this State. It is laying down as a principle that whatever may suit our interest or fancy should be imposed upon our sister States. This does not seem to correspond with that moderation which I hope to see in all the proceedings of the convention.

Mr. SMITH. The gentleman misunderstands me. I did not mean the amendment to operate on the other States. They may use their discretion. The amendment is in the negative. The very design of it is to enable the States to act in their discretion, without the control of Congress. So the gentleman's reasoning is directly against himself.

If the argument had any force, it would go against proposing any amendment at all, because, says the gentleman, it would be dictating to the Union. What is the object of our consultations? For my part, I do not know, unless we are to express our sentiments of the Constitution before we adopt it.

It is only exercising the privilege of freemen; and shall we be debarred from this? It is said it is left to the discretion of the States. If this were true, it would be all we contend for. But, sir, Congress can alter as they please any mode adopted by the States. What discretion is there here? The gentleman instances the constitution of New York as opposed to my argument. I believe that there are now gentlemen in this house who were members of the convention of this State, and who are inclined for an amendment like this. It is to be regretted that it was not adopted. The fact is, as your constitution stands, a man may have a seat in your legislature who is not elected by a majority of his constituents. For my part, I know of no principle that ought to be more fully established than the right of election by a majority.

Mr. DUANE. I neglected to make one observation which I think weighty. The mode of election recommended by the gentleman must be attended with great embarrassments. His idea is that a majority of all the votes should be necessary to return a member.

I suppose a State divided into districts. How seldom will it happen that a majority of a district will unite their votes in favor of one man? In a neighboring State, where they have this mode of election, I have been told that it rarely happens that more than one-half unite in choice. The consequence is they are obliged to make a provision, by a previous election, for nomination and another election for appointment, thus suffering the inconvenience of a double election. If the proposition was adopted, I believe we should be seldom represented—the election must be lost. The gentleman will, therefore, I presume, either abandon his project or propose some remedy for the evil I have described.

Mr. SMITH. I think the example the gentleman adduces is in my favor. The States of Massachusetts and Connecticut have regulated elections in the mode I propose, but it has never been considered inconvenient, nor have the people ever been unrepresented. I mention this to show that the thing has not proved impracticable in those States. If not, why should it in New York?

After some further conversation Mr. Lansing proposed the following modification of Mr. Smith's motion:

"And that nothing in this Constitution shall be construed to prevent the legislature of any State to pass laws, from time to time, to divide such State into as many convenient districts as the State shall be entitled to elect Representatives for Congress, nor to prevent such legislature from making provision that the electors in each district shall choose a citizen of the United States, who shall have been an inhabitant of the district for the term of 1 year immediately preceding the time of his election, for one of the Representatives of such State.

"Which being added to the motion of Mr. Jones the committee passed the succeeding paragraphs without debate, till they came to the second clause of section 6." (Elliott II, supra, pp. 327, 328, 329.)

On July 26, 1788, the ratification of the Constitution was effected, accompanied by a number of suggested amendments, among which was the one specifically defining those occasions on which Congress might exercise any power over the "time, place, and manner" of elections, as follows:

That the Congress shall not make or alter any regulation in any State respecting the times, places, and manner of holding elections for Senators or Representatives, unless the legislature of such State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same, and then only until the legislature of such State shall make provision in the premises; provided that Congress may prescribe the time for the election of Representatives.

North Carolina remained reluctant and refused to ratify the Constitution until a convention of States was called and certain proposed amendments adopted. Again no exception was taken to section 2 of article I:

(The first clause of the fourth section was read.)

Mr. SPENCER. Mr. Chairman, it appears to me that this clause, giving the control over the time, place, and manner of holding elections to Congress, does away with the right of the people to choose the Representatives every second year, and impairs the right of the State legislatures to choose the Senators. I wish this matter to be explained.

Governor JOHNSON. Mr. Chairman, I confess that I am a very great admirer of the new Constitution, but I cannot comprehend the reason of this part. The reason urged is that every government ought to have the power of continuing itself, and that, if the General Government had not this power, the State legislatures might neglect to regulate elections, whereby the Government might be discontinued. As long as the State legislatures have it in their power not to choose the Senators, this power in Congress appears to me altogether useless because they can put an end to the General Government by refusing to choose Senators. But I do not consider this such a blemish in the Constitution as that it ought, for that reason, to be rejected. I observe that every State which has adopted the Constitution and recommended amendments has given directions to remove this objection, and I hope, if this State adopts it, she will do the same.

Mr. SPENCER. Mr. Chairman, it is with great reluctance that I rise upon this important occasion. I have considered with some attention the subject before us. I have paid attention to the Constitution itself, and to the writings on both sides. I considered it on one side as well as on the other, in order to know whether it would be best to adopt it or not. I would not wish to insinuate any reflections on those gentlemen who formed it. I look upon it as a great performance. It has a great deal of merit in it, and it is, perhaps, as much as any set of men could have done.

Even if it be true, what gentlemen have observed, that the gentlemen who were delegates to the Federal Convention were not instructed to form a new constitution, but to amend the confederation, this will be immaterial, if it be proper to be adopted. It will be of equal benefit to us, if proper to be adopted in the whole, or in such parts as will be necessary, whether they were expressly delegated for that purpose or not. This appears to me to be a reprehensive clause; because it seems to strike at the State legislatures, and seems to take away that power of elections which reason dictates they ought to have among themselves. It apparently looks forward to a consolidation of the Government of the United States, when the State legislatures may entirely decay away.

This is one of the grounds, which have induced me to make objections to the new form of government. It appears to me that the State governments are not sufficiently secured, and that they may be swallowed up by the great mass of powers given to Congress. If that be the case, such power should not be given; for, from all the notions which we have concerning our happiness and well-being, the State governments are the basis of our happiness, security, and prosperity. A large extent of country ought to be divided into such a number of States as that the people may conveniently carry on their own government. This will render the government perfectly agreeable to the genius and wishes of the people. If the United States were to consist of 10 times as many States, they might all have a degree of harmony. Nothing would be wanting but some cement for their connection. On the contrary, if all the United States were to be swallowed up by the great mass of powers given to Congress, the parts that are more distant in this great empire would be governed with less energy. It would not suit the genius of the people to assist in the government. Nothing would support government, in such a case as that, but military coercion. Armies would be necessary in different parts of the United States.

The expense which they would cost, and the burdens which they would render necessary to be laid upon the people, would be ruinous. I know of no way that is likely to produce the happiness of the people, but to preserve, as far as possible, the existence of the several States, so that they shall not be swallowed up.

It has been said that the existence of the State governments is essential to that of the General Government, because they choose the Senators. By this clause, it is evident that it is in the power of Congress to make any alterations, except as to the place of choosing Senators. They may alter the time from 6 to 20 years, or to any time; for they have an unlimited control over the time of elections. They have also an absolute control over the election of the Representatives. It deprives the people of the very mode of choosing them. It seems nearly to throw the whole power of election into the hands of Congress. It strikes at the mode, time and place of choosing Representatives. It puts all but the place of electing Senators in the hands of Congress. This supersedes the necessity of continuing the State legislatures. This is such an article as I can give no sanction to, because it strikes at the foundation of the governments on which depends the happiness of the States and the General Government. It is with reluctance I make the objection. I have the highest veneration for the characters of the framers of this Constitution. I mean to make objections only which are necessary to be made. I would not take up time unnecessarily. As to this matter, it strikes at the foundation of everything. I may say more when we come to that part which points out the mode of doing without the agency of the State legislatures.

Mr. IREDELL. Mr. Chairman, I am glad to see so much candor and moderation. The liberal sentiments expressed by the honorable gentleman who spoke last command my respect. No time can be better employed than endeavoring to remove, by fair and just reasoning, every objection which can be made to this Constitution. I apprehend that the honorable gentleman is mistaken as to the extent of the operation of this clause.

He supposes that the control of the General Government over elections looks forward to a consolidation of the States, and that the general word "time" may extend to 20, or any number of years. In my humble opinion this clause does by no means warrant such a construction. We ought to compare other parts with it. Does not the Constitution say that Representatives shall be chosen every second year? The right of choosing them, therefore, reverts to the people every second year. No instrument of writing ought to be construed absurdly, when a rational construction can be put upon it. If Congress can prolong the election to any time they please, why is it said that Representatives shall be chosen every second year? They must be chosen every second year; but whether in the month of March, or January, or any other month, may be ascertained, at a future time, by regulations of Congress. The word "time" refers only to the particular month and day within the 2 years. I heartily agree with the gentleman, that, if anything in this Constitution tended to the annihilation of the State government, instead of exciting the admiration of any man, it ought to excite the resentment and execration. No such wicked intention ought to be suffered. But the gentlemen who formed the Constitution had no such object; nor do I think there is the least ground for that jealousy. The very existence of the General Government depends on that of State governments. The State legislatures are to choose the Senators. Without a Senate there can be no Congress. The State legislatures are also to direct the manner of choosing the President. Unless therefore there are State legislatures to direct that manner, no President can be chosen. The same observation may be made as to the House of Representatives, since, as they are to be chosen by the electors of the most numerous branch of each State legislature, if there are no State legistures, there are no persons to choose the House of Representatives. Thus it is evident that the very existence of the General Government depends on that of the State legistures, and of course that their continuance cannot be endangered by it.

(At this point Mr. BURDICK took the chair as Presiding Officer.)

Mr. ELLENDER. Mr. President, I continue the reading:

An occasion may arise when the exercise of this ultimate power in Congress may be necessary; as, for instance, if a State should be involved in war, and its legislature could not assemble—as was the case of South Carolina, and occasionally of some other States, during the late war—it might also be useful for this reason—lest a few powerful States should combine, and make regulations concerning elections which might deprive many of the electors of a fair exercise of their rights, and thus injure the community, and occasion great dissatisfaction. And it seems natural and proper that every government should have in itself the means of its own preservation. A few of the great States might combine to prevent any election of representatives at all, and thus a majority might be wanting to do business; but it would not be so easy to destroy the Government by the nonelection of Senators, because one-third only are to go out at a time, and all the States will be equally represented in the Senate. It is not probable this power would be abused; for, if it should be, the State legislatures would immediately resent it, and their authority over the people will always be extremely great.

These reasons induce me to think that the power is both necessary and useful. But I am sensible, great jealousy has been entertained concerning it; and as perhaps the danger of a combination, in the manner I have mentioned, to destroy or distress the General Government, is not very probable, it may be better to incur the risk, than occasion any discontent by suffering the clause to continue as it now stands. I should,

therefore, not object to the recommendation of an amendment similar to that of other States that this power in Congress should only be exercised when a State legislature neglected or was disabled from making the regulations required.

Mr. SPENCER. Mr. Chairman, I did not mean to insinuate that designs were made, by the honorable gentlemen who composed the Federal Constitution, against our liberties. I only meant to say that the words in this place were exceedingly vague. It may admit of the gentleman's construction; but it may admit of a contrary construction. In a matter of so great moment, words ought not to be so vague and indeterminate. I have said that the States are the basis on which the Government of the United States ought to rest, and which must render us secure. No man wishes more for a Federal Government than I do. I think it necessary for our happiness; but at the same time, when we form a government which must entail happiness or misery on posterity, nothing is of more consequence than settling it so as to exclude animosity and a contest between the general and individual governments. With respect to the mode here mentioned, they are words of very great extent. This clause provides that a Congress may at any time alter such regulations, except as to the places of choosing Senators. These words are so vague and uncertain, that it must ultimately destroy the whole liberty of the United States. It strikes at the very existence of the States, and supersedes the necessity of having them at all.

I would therefore wish to have it amended in such a manner as that the Congress should not interfere but when the States refused or neglected to regulate elections.

Mr. BLOODWORTH. Mr. Chairman, I trust that such learned arguments as are offered to reconcile our minds to such dangerous powers will not have the intended weight. The House of Representatives is the only democratical branch. This clause may destroy representation entirely. What does it say?

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators." Now, sir, does not this clause give an unlimited and unbounded power to Congress over the times, places, and manner of choosing Representatives? They may make the time of election so long, the place so inconvenient, and the manner so oppressive that it will entirely destroy representation. I hope gentlemen will exercise their own understanding on this occasion and not let their judgment be led away by these shining characters, for whom, however, I have the highest respect. This Constitution, if adopted in its present mode, must end in the subversion of our liberties. Suppose it takes place in North Carolina; can farmers elect them? No, sir. The elections may be in such a manner that men may be appointed who are not representatives of the people. This may exist, and it ought to be guarded against. As to the place, suppose Congress should order the elections to be held in the most inconvenient place in the most inconvenient district; could every person entitled to vote attend such a place? Suppose they should order it to be laid off into so many districts and order the election to be held within each district; yet may not their power over the manner of election enable them to exclude from voting every description of men they please? The democratic branch is so much endangered that no arguments can be made use of to satisfy my mind to it. The honorable gentleman has amused us with learned discussions and told us he will condescend to propose amendments.

I hope the Representatives of North Carolina will never swallow the Constitution till it is amended.

Mr. GOUDY. Mr. Chairman, the invasion of these States is urged as a reason for this clause. But why did they not mention that it should be only in cases of invasion? But that was not the reason, in my humble opinion. I fear it was a combination against our liberties. I ask, when we give them the purse in one hand and the sword in the other, what power have we left? It will lead to an aristocratical government and establish tyranny over us. We are freemen, and we ought to have the privileges of such.

Governor JOHNSTON. Mr. Chairman, I do not impute any impure intentions to the gentlemen who formed this Constitution. I think it unwarrantable in anyone to do it. I believe that were there 20 conventions appointed, and as many constitutions formed, we never could get men more able and disinterested than those who formed this; nor a constitution less exceptionable than that which is now before you. I am not apprehensive that this article will be attended with all the fatal consequences which the gentlemen conceives. I conceive that Congress can have no other power than the States had. The States, with regard to elections, must be governed by the articles of the Constitution; so must Congress. But I believe the power, as it now stands, is unnecessary. I should be perfectly satisfied with it in the mode recommended by the worthy member on my right hand. Although I should be extremely cautious to adopt any constitution that would endanger the rights and privileges of the people, I have no fear in adopting this Constitution, and then proposing amendments. I feel as much attachment to the rights and privileges of my country as any man in it; and if I thought anything in this Constitution tended to abridge these rights, I would not agree to it. I cannot conceive that this is the case. I have not the least doubt but it will be adopted by a very great majority of the States.

For States who have been as jealous of their liberties as any in the world have adopted it, and they are some of the most powerful States. We shall have the assent of all the States in getting amendments. Some gentlemen have apprehensions that Congress will immediately conspire to destroy the liberties of their country. The men of whom Congress will consist are to be chosen from among ourselves. They will be in the same situation with us. They are to be bone of our bone and flesh of our flesh. They cannot injure us without injuring themselves. I have no doubt but we shall choose the best men in the community. Should different men be appointed, they are sufficiently responsible. I therefore think that no danger is to be apprehended.

Mr. MCDOWELL. Mr. Chairman, I have the highest esteem for the gentleman who spoke last. He has amused us with the fine characters of those who formed that government. Some were good, but some were very imperious, aristocratical, despotic, and monarchial. If parts of it are extremely good, other parts are very bad.

The freedom of election is one of the greatest securities we have for our liberty and privileges. It was supposed by the members from Edenton, that the control over elections was only given to Congress to be used in case of invasion. I differ from him. That could not have been their intention, otherwise they could have expressed it. But, sir, it points forward to the time when there will be no State legislatures—to the consolidation of all the States. The States will be kept up as boards of elections. I think the same men could make a better constitution; for good government is not the work of a short time. They only had their own wisdom. Were they to go now they would have the wisdom of the United States. Every gentleman who must reflect on this must see it. The adoption of several other States is urged. I hope every gentleman stands for himself, will act according to his own judgment, and will pay no respect to the adoption by the other States. It may embarrass us in some political difficulties, but let us attend to the interest of our constituents.

Mr. Iredell answered, that he stated the case of invasion as only one reason out of many for giving the ultimate control over elections to Congress. I read further:

Mr. DAVIE. Mr. Chairman, a consolidation of the States is said by some gentlemen to have been intended. They insinuate that this was the cause of their giving this power of elections. If there were any seeds in this Constitution which might, one day, produce a consolidation it would, sir, with me, be an insuperable objection, I am so perfectly convinced that so extensive a country as this can never be managed by one consolidated government. The Federal Convention were as well convinced as the Members of this House, and the State governments were absolutely necessary to the existence of the Federal Government. They considered them as the great mass pillars on which this political fabric was to be extended and supported; and were fully persuaded that, when they were removed, or should molder down by time, the General Government must tumble into ruin. A very little reflection will show that no department of it can exist without the State governments.

Let us begin with the House of Representatives. Who are to vote for the Federal Representatives? Those who vote for the State representatives. If the State government vanishes, the General Government must vanish also. This is the foundation on which this Government was raised, and without which it cannot possibly exist.

The next department is the Senate. How is it formed? By the States themselves. Do they not choose them? Are they not created by them? And will they not have the interest of the States particularly at heart? The States, sir, can put a final period to the Government, as was observed by a gentleman who thought this power over elections unnecessary. If the State legislatures think proper, they may refuse to choose Senators, and the Government must be destroyed.

Is not this Government a nerveless mass a dead carcass, without the Executive power? Let your representatives be the most vicious demons that ever existed; let them plot against the liberties of America; let them conspire against its happiness—all their machinations will not avail if not put in execution. By whom are their laws and projects to be executed? By the President. How is he created? By electors appointed by the people under the direction of the legislatures—by a union of the interest of the people and the State governments. The State governments can put a veto, at any time, on the General Government, by ceasing to continue the Executive power. Admitting the Representatives or Senators could make corrupt laws, they can neither execute them themselves, nor appoint the Executive. Now, sir, I think it must be clear to every candid mind, that no part of this Government can be continued after the State governments lose their existence, or even their present forms. It may also be easily proved that all Federal governments possess an inherent weakness, which continually tends to their destruction. It is to be lamented that all governments of a federal nature have been short lived.

Such was the fate of the Achaean League, the amphictyonic council and other ancient confederacies; and this opinion is confirmed

by the uniform testimony of all history. There are instances in Europe of confederacies subsisting a considerable time; but their duration must be attributed to circumstances exterior to their government. The Germanic confederacy would not exist a moment, were it not for fear of the surrounding powers, and the interest of the Emperor. The history of this confederacy is but a series of factions, dissensions, bloodshed, and civil war. The confederacies of the Swiss, and United Netherlands, would long ago have been destroyed, from their imbecility, had it not been for the fear, and even the policy, of the bordering nations. It is impossible to construct such a government in such a manner as to give it any probable longevity.

But, sir, there is an excellent principle in this proposed plan of federal government, which none of these confederacies had, and to the want of which, in a great measure, their imperfections may be justly attributed—I mean the principle of representation. I hope that, by the agency of this principle, if it be not immortal, it will at least be long lived. I thought it necessary to say this much to detect the futility of that unwarranted suggestion, that we are to be swallowed up by a great consolidated government. Every part of this Federal Government is dependent on the constitution of State legislatures for its existence. The whole, sir, can never swallow up its parts. The gentleman from Edenton, Mr. Iredell, has pointed out the reasons of giving this control over elections to Congress, the principle of which was, to prevent a dissolution of the Government by designing States. If all the States were equally possessed of absolute power over their elections, without any control of Congress, danger might be justly apprehended where one State possesses as much territory as four or five others; and some of them, being thinly peopled now, will daily become more numerous and formidable. Without this control in Congress, those large States might successfully combine to destroy the General Government. It was therefore necessary to control any combination of this kind.

Another principal reason was, that it would operate in favor of the people, against the ambitious designs of the Federal Senate. I will illustrate this by matter of fact. The history of the little State of Rhode Island is well known. An abandoned faction have seized on the reins of government, and frequently refused to have any representation in Congress. If Congress had the power of making the law of elections operate throughout the United States, no State could withdraw itself from the national councils without the consent of a majority of the Members of Congress. Had this been the case, that trifling State would not have withheld its representation. What once happened may happen again; and it was necessary to give Congress this power, to keep the Government in full operation.

This being a Federal Government, and involving the interest of several States, and some acts requiring the assent of more than a majority, they ought to be able to keep their representation full. It would have been a solecism, to have a government with out any means of self-preservation. The confederation is the only instance of a government without such means, and is a nerveless system, as inadequate to every purpose of government as it is to the security of the liberties of the people of America. When the councils of America have this power over elections, they can, in spite of any faction in any particular State, give the people a representation. Uniformity in matters of election is also of the greatest consequence. They ought all to be judged by the same law and the same principles, and not to be different in one State from what they are in another. At present, the manner of electing is different in different States. Some elect by ballot, and others viva voce. It will be more convenient to have the manner uniform in all the States. I shall now answer some observations made by the gentleman from Mecklenburg. He has stated that this power over elections gave to Congress power to lengthen the time for which they were elected. Let us read this clause coolly, all prejudice aside, and determine whether this construction be warrantable. This clause runs thus: The times, places, manner, of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators. I take it as a fundamental principle, which is beyond reach of the general or individual governments to alter, that the Representatives shall be chosen every second year, and that the tenure of their office shall be for 2 years; that Senators be chosen every sixth year, and that the tenure of their office be for 6 years. I take it also as a principle, that the electors of the most numerous branch of the State legislatures are to elect the Federal Representatives.

Congress has ultimately no power over elections, but what is primarily given to the State legislatures. If Congress had the power of prolonging the time, and so forth, as gentlemen observe, the same powers must be completely vested in the State legislatures.

I call upon every gentleman candidly to declare, whether the State legislatures have the power of altering the time of elections for Representatives from 2 to 4 years, or Senators from 6 to 12; and whether they have the power to require any other qualifications than those of the most numerous branch of the State legislatures; and also whether they have any other power over the manner of elections, any more than the the mere mode of the act of choosing; or whether they shall be held by sheriffs, as contradistinguished from any other officer; or whether they shall be by votes, as contradistinguished from ballots, or any other way. If gentlemen will pay attention, they will find that, in the latter part of this clause, Congress has no power but what was given to the States in the part of the same clause. They may alter the manner of holding the election, but cannot alter the tenure of their office. They cannot alter the nature of elections; for it is established, as fundamental principles, that the electors of the most numerous branch of the State legislature shall elect the Federal Representatives, and that the tenure of their office shall be for 2 years; and likewise, that the Senators shall be elected by the legislatures, and that the tenure of their office shall be for 6 years. When gentlemen view the clause accurately, and see that Congress have only the same power which was in the State legislature, they will not be alarmed. The learned doctor on my right, Mr. Spencer, has also said that Congress might lengthen the time of elections. I am willing to appeal grammatical construction and punctuation. Let me read this, as it stands on paper.

Here he read the clause different ways expressing the same sense:

Here, in the first part of the clause, this power over elections is given to the States, and in the latter part the same power is given to Congress, and extending only to the time of holding, the place of holding, and the manner of holding the elections. Is this not the plain, literal, and grammatical construction of the clause? Is it possible to put any other construction on it, without departing from the natural order, and without deviating from the general meaning of the words, and every rule of grammatical construction? Twist it, torture it, as you may, sir, it is impossible to fix a different sense upon it. The worthy gentleman from New Hanover, whose ardor for the liberty of his country I wish never to be damped, has insinuated that high characters might influence the members on this occasion. I declare, for my own part, I wish every man to be guided by his own conscience and understanding, and by nothing else. Every man has not been bred a politician, nor studied the science of government; yet, when a subject is explained, if the mind is unwarped by prejudice, and not in the leading strings of other people, gentlemen will do what is right. Were this the case, I would risk my salvation on a right decision. (Elliott IV, supra, p. 50.)

Note particularly what Mr. Davie said:

They cannot alter the nature of the elections; for it is established as fundamental principles, that the electors of the most numerous branch of the State legislature shall elect the Federal Representatives.

Continuing with Mr. Davie's remarks:

This clause, sir, has been the occasion of much groundless alarm and has been the favorite theme of declamation out of doors. I now call upon the gentlemen of the opposition to show that it contains the mischiefs with which they have alarmed and agitated the public mind, and I defy them to support the construction they have put upon it by one single plausible reason.

The gentleman from New Hanover has said, in objection to this clause, that Congress may appoint the most inconvenient place in the most inconvenient district, and make the manner of election so oppressive as entirely to destroy representation. If this is considered as possible, he should also reflect that the State legislatures may do the same thing. But this can never happen, sir, until the whole mass of the people become corrupt, when all parchment securities will be of little service. Does that gentleman or any other gentleman who has the smallest acquaintance with human nature or the spirit of America suppose that the people will passively relinquish privileges or suffer the usurpation of powers unwarranted by the Constitution? Does not the right of electing Representatives revert to the people every second year? There is nothing in this clause that can impede or destroy this reversion; and although the particular time of year, the particular place in a county or a district, or the particular mode in which elections are to be held, as whether by vote or ballot, be left to Congress to direct, yet this can never deprive the people of the rights or privilege of election. He has also added that the democratical branch was in danger from this clause; and with some other gentlemen took it for granted that an aristocracy must arise out of the General Government. This, I take it, from the very nature of the thing, can never happen. Aristocracies grow out of the combination of a few powerful families, where the country or people upon which they are to operate are immediately under their influence, whereas the interest and influence of this Government are too weak and too much diffused ever to bring about such an event. The confidence of the people, acquired by a wise and virtuous conduct, is the only influence the members of the Federal Government can ever have. When aristocracies are formed, they will arise within the individual States. It is, therefore, absolutely necessary that Congress should have a constitutional power to give the people at large a representation in the Government in order to break and control such dangerous combinations. Let gentlemen show when and how this aristocracy they talk of is to arise out of this Constitution. Are the first members to perpetuate themselves? Is the Constitution to be attacked by such absurd assertions as these, and charged with defects

with which it has no possible connection? (Elliott IV, supra, p. 66.)

Mr. Maclaine said:

Mr. Chairman, I thought it very extraordinary that the gentleman who was last on the floor should say that Congress could do what they please with respect to elections, and be warranted by this clause. The gentleman from Halifax, Mr. Davie, has put that construction upon it which reason and commonsense will put upon it. Lawyers will often differ on a point of view, but people will seldom differ about so very plain a thing as this (Elliott IV, supra, pp. 68, 69).

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ERVIN. Is the Senator aware of the fact that the Supreme Court of the United States has upheld the literacy test in North Carolina and the literacy test in Mississippi, and that the circuit court of appeals for the Senator's circuit has upheld the literacy test prescribed by the law of Louisiana and the Supreme Court of the United States has refused to grant certiorari to review that decision?

Mr. ELLENDER. I am aware of it.

Mr. ERVIN. The Senator is aware, is he not, that under the first section of the third article of the Constitution all of the judicial power of the United States is vested in the Federal courts?

Mr. ELLENDER. The Senator is correct.

Mr. ERVIN. And the Senator is also aware, is he not, that under the first article of the Constitution all of the legislative power is vested in the Congress, and Congress has no power except the legislative power?

Mr. ELLENDER. That is correct.

Mr. ERVIN. I will ask the Senator from Louisiana if he agrees with me in this analysis of the three bills which undertake to nullify, by simple legislative action, the literacy tests of all the States and to substitute a Federal standard in lieu thereof; namely, these bills say, in effect, that although the Federal courts, which possess the judicial power of the United States, have adjudged that the State literacy tests represent a constitutional exercise of the power of the States which adopted them, and although the Federal courts, which possess all of the judicial power of the United States, have expressly held that these literacy tests do not violate the 14th or 15th or 19th amendment——

Mr. ELLENDER. Or any article of the Constitution.

Mr. ERVIN. Nevertheless, according to the proposal, Congress, by a simple legislative act, has the power to say that the Federal courts were all at sea on this subject, and that these literacy tests are all unconstitutional, notwithstanding the decisions of the Federal courts to the contrary?

Mr. ELLENDER. It is a great pity that those who are assembled in the Senate do not consider those decisions, particularly if any effort is to be made to have the Congress apply the sixth grade literacy test to which the Senator refers.

I have often said that when any issue becomes involved in politics, those dealing with it seem to lose their sense of reason, irrespective of what the courts have had to say on the provision. There is no question that the matter has been settled by the highest law of the land, by the Court, yet in the face of that there are people who desire to keep the pot boiling by offering various things which they term "civil rights."

I have been in the Senate for 26 years, and I do not know of a session in which the Congress was not faced with some kind of a civil rights proposal. As I said the other day, if only the laws on the statute books, both State and Federal, were enforced, there are now plenty of laws—all that are necessary—to permit Negroes, or in fact anybody who is qualified, to vote in any State in this Union.

Mr. ERVIN. Does the Senator agree with me in the observation which I made last week, that there are more laws on the Federal statute books to enforce the rights of all qualified citizens to vote than there are laws of any other subject?

Mr. ELLENDER. There is no doubt about that. Notwithstanding that fact, there are people in politics who wish to make a little hay while the sun shines, so that they can get the folks back home stirred up, so that they will vote for them. They offer these acts, and they are all called civil rights acts. Why they are called that I do not know, but that is what they are termed.

I cannot understand that, particularly when it is asked that the Congress act by passing a law rather than through a proposed constitutional amendment. I believe those people know, deep down, such a procedure is not constitutional.

These questions have been passed upon. Notwithstanding that, as I said, certain people like to come to Congress and keep things stirred up, so that back home their constituents may rally behind them, to reelect them at the next election.

Mr. ERVIN. Does the Senator agree with me in the conviction that section 2 of article I of the Constitution is one of the simplest provisions in the entire Constitution and that it would be almost impossible for any person to imagine a clearer way to say that the only persons who shall be eligible to vote for Senators and Representatives in Congress are those who are eligible to vote for members of the most numerous branch of the State legislature of the State in which the election is to be held?

Mr. ELLENDER. Not only that, but the courts have passed on the issue very often. I have been reading, for the past hour, speeches made by members of the Convention which drafted our present Constitution, in which they put on the language the same interpretation as we are putting on today. Those speeches were made in 1788, soon after the Constitution was adopted. There is no question that we are on solid ground and that the right to prescribe the qualifications for voting is something left to the States. There is no doubt about that. There never has been any doubt in my mind.

Still, as I say, there are a lot of people who like to keep the pot boiling back home, who bring in various proposals trying to change this and that, though deep down they ought to know, as the Senator has pointed out, there are enough laws on the statute books now and that the laws, if enforced, would carry out what they seek to do.

Mr. President, I continue reading the discussion which took place in the various State conventions when the Constitution was finally adopted by the States:

Mr. STEELE. Mr. Chairman, the gentleman has said that the five Representatives which this State shall be entitled to send to the General Government, will go from the seashore. What reason has he to say they will go from the seashore? The time, place, and manner of holding elections are to be prescribed by the legislatures. Our legislature is to regulate the first election, at any event. They will regulate it as they think proper. They may, and most probably will, lay the State off into districts. Who are to vote for them? Every man who has a right to vote for a representative to our legislature will ever have a right to vote for a Representative to the General Government. Does it not expressly provide that the electors in each State shall have the qualifications requisite for the most numerous branch of the State legislature?

That conforms to the question just asked by my good friend from North Carolina. This is a colloquy which took place over 160 years ago.

Can they, without a most manifest violation of the Constitution, alter the qualifications of the electors? The power over the manner of elections does not include that of saying who shall vote: The Constitution expressly states the qualifications which entitle a man to vote for a State representative. It is, then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way. Is it not a maxim of universal jurisprudence, of reason and commonsense that an instrument or deed of writing shall be so construed as to give validity to all parts of it, if it can be done without involving any absurdity? By construing it in the plain obvious way I have mentioned, all parts will be valid (Elliott, 4 supra, p. 71).

These words should be italicized and underscored in our minds. They state absolutely, that under the Constitution as written, Congress can never constitutionally regulate the qualifications of electors. I agree wholeheartedly with Mr. Steele's interpretation of article I of our Constitution. Yet in spite of this clear and unequivocal reservation to the States of the right to fix the qualifications of electors, the Congress has been besieged in recent years with proposals to supplant the States and place this power in the hands of the Federal Government. The proposal to abolish State poll-tax requirements is one example of the legislation I refer to. Certainly our Founding Fathers had no intention of having the States' judgment as to what qualifications an elector should have superseded by the judgment of the Federal Government.

I believe I have quoted sufficiently from the statements of those who took an active part in drafting the Constitution, and in having it ratified by the Thirteen Colonies, to refute any arguments to the contrary. The right of the States to restrict suffrage to freeholders,

or to deny suffrage to persons who had been convicted of crimes, and so forth, was never disputed; therefore, I ask, how could the Congress today pass legislation abolishing the poll-tax requirements of certain States, without doing violence not only to the express language of the Constitution, but to the obvious and clearly enunciated wishes of our Founding Fathers? Likewise, Mr. President, how can we now, today, be contemplating the enactment of the right to vote bill presently before us, which would enable the Attorney General to disregard State laws establishing administrative remedies for assuring all qualified persons of the right to vote? Can Senators not see that this provision, when coupled with the provision for Federal injunctive powers also found in the pending measure, will result in the Federal judge who grants the injunction substituting his judgment—that is, the judgment of the Federal Government—for the judgment of the registrar of voters or other State or local election officer; that is, the judgment of the State government, as to the qualification of the voter? Is this not a clear violation of the constitutional requirement in article I, section 2, that the States shall establish the qualifications of electors?

I may be a little off the ground in the last statement I made, but I do not anticipate that the proposed amendment to the pending bill that will be offered by the Senator from Florida [Mr. HOLLAND] will be the only amendment. Others will come. As I told my good friend from Florida, if assurance could be given that there would be no more civil rights measures related to voting, and we could lay down our oars if his amendment were agreed to, I would cheerfully join hands with him. But there seems to be no end to the proposals. No matter what we do, we are always confronted with more and more civil rights measures. So far as I am concerned, I will stand by the Constitution and the methods with which we have lived for the past 170 years.

Now, Mr. President, reverting to the debates surrounding the ratification of the Constitution, we find that the North Carolina convention suggested the following amendment:

That Congress shall not alter, modify or interfere in the time, places, or manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse or be disabled by invasion or rebellion to prescribe the same. (See Elliott, 4, supra, p. 249.)

The convention adjourned August 4, 1788.

On May 29, 1790, Rhode Island ratified the Constitution, and listed a number of proposed amendments; among these was:

That Congress shall not alter, modify, or interfere in, the times, places, or manner, of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled, by invasion or rebellion to prescribe the same, or in case when the provision made by the State is so imperfect as that no consequent election is had, and then only until the legislature of such State shall make provision in the premises. (Elliott, I, supra, p. 336, amendment II.)

I turn now to examine the amendments to our Federal Constitution as they affect section 2 of article I which says, again, that the electors of Representatives to Congress shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Some amendments have affected suffrage problems. I shall list first the amendments and then discuss them.

Section 2 of article XIV says that as to any State which denies the right to vote to any male citizen over 21 years of age except for participation in rebellion, or other crime, the basis of representation therein shall be proportionately reduced. This regulation in itself recognizes the right of the State to deny such right if it wishes.

Article XV, which deals with Negro suffrage, is as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation." (Proposed by Congress on February 26, 1869 (915 Stat. L. 346), and ratified by three-fourths of the States by February 3, 1870.)

Article XVII, election of Senators:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided,* That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Article XIX, woman's suffrage:

SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation. (Proposed by Congress June 5, 1919 (41 Stat. L. 362), and ratified by three-fourths of the States by August 26, 1920.)

Article XV, as we all know, came on the heels of the Civil War, and as a result thereof. It is rather significant, to my mind, that even at that time Congress made no attempt to interfere by legislation with the right of the States to establish qualifications of electors, and recognized that an amendment to the Constitution was the only method of modifying or limiting that right constitutionally. That is, with the Civil War a recent memory, and the subject of former slavery still a bitter topic, with the abolitionists riding high and the victorious North contending only with carpetbag governments of the worst type in the as yet unreconstructed South, Congress still knew its limitations sufficiently to realize that the qualifications of electors had been left to the State government entirely by the Constitution and the only way to vary such qualifications or affect them at all was to amend the instrument. The amendment itself is specifically self-limiting in scope and leaves the rest of the field in the State's hands.

Though the sovereignty is in the people, as a practical fact it resides in those persons who by the constitution of the State are permitted to exercise the elective franchise. The whole subject of the regulations of elections, including the prescribing of qualifications for suffrage, is left by the National Constitution to the several States, except as it is provided by that instrument that the electors for representatives in Congress shall have the qualifications requisite for electors of the most numerous branch of the State legislature, and as the 15th amendment forbids denying to citizens the right to vote on account of race, color, or previous condition of servitude. Participation in the elective franchise is a privilege rather than a right, and it is granted or denied on grounds of general policy; the prevailing view being that it should be as general as possible consistent with the public safety. Aliens are generally excluded, though in some States they are allowed to vote after residence for a specified period, provided they have declared their intention to become citizens in the manner prescribed by law. The 15th amendment, it will be seen, does not forbid denying the franchise to citizens except upon certain specified grounds and it is a matter of public history that its purpose was to prevent discriminations in this regard as against persons of African descent (Cooley, Constitutional Limitations, p. 752).

While I shall discuss later some decisions on the subject of the 15th amendment, and also shall go into detail on the State constitutions, I should like here to quote a general statement concerning conditions between 1812 and 1867 concerning the Negro vote:

Race: Increasing race prejudice had well nigh eliminated the Negro as an elector. All but six States had written "white" in their constitutions: Massachusetts, New Hampshire, Vermont, Rhode Island, Maine, and New York. However, in the latter State, in order to vote, the Negro must own $250 worth of property on which he had paid the taxes and reside in the Commonwealth "2 years longer than was required of a white man." It is alleged that public opinion was so averse to his voting even in the New England States that the Negro was kept away from the polls in all but two. Chancellor Kent says that the Negro really voted in Maine alone. At least it is a significant fact that New Hampshire (1857) and Vermont (1858) found it necessary to enact laws that Negroes should not be excluded from the polls. Therefore, it fell out that just before the Negro was to have suffrage granted him as a special favor by the 15th amendment he was kept from the exercise of the elective franchise most completely. The aforesaid amendment was revolutionary in more ways than one; it struck the word "white" from the constitutions of over 30 States. As an indication of what was to become a local, though intensely bitter race and suffrage problem about the middle of the following period, note that Oregon in 1857 disfranchised Chinese. Yet the general race test disappeared (McCulloch, Suffrage and Its Problems, p 47).

Speaking of the period immediately following the Civil War, McCulloch says:

Period of problems: This period inherited three growing problems: The question of

Negro suffrage, deadlocked in the preceding period, at once became paramount as a post-war measure; the agitation for woman suffrage, stilled during the time of civil strife, was renewed by its zealous advocates; the tendency to allow aliens to vote, on mere declarations of intent to become citizens was increased notably. During the epoch some sort of solution is attempted for each of these problems.

At the outset of the period the elective franchise was secured for the Negro by constitutional amendment. The 13th amendment had made him a man instead of a chattel. The 14th amendment conferred citizenship upon him and incidentally endeavored to insure the ballot to him by providing that when any male citizens over 21 years of age were excluded from the elective franchise (except for crime) the basis of representation of said State in Congress should be proportionately reduced. This incidental treatment of the problem of Negro suffrage not promising satisfactory results, more direct and drastic means were found. The 15th amendment (1870) provided that the right of citizens of the United States to vote shall not be denied or abridged on account of race, color, or previous condition of servitude. Therefore, the out and out race test for suffrage was displaced irrevocably. However, it should be noted that suffrage was still a Commonwealth matter. The United States, through congressional action or court decision could interfere in questions affecting the elective franchise only when the provisions of the 14th and 15th amendments were violated. (McCulloch, supra, pp. 51 and 52.)

In the struggle to preserve the Union, which incidentally freed the slaves, the North experienced at least a partial change of sentiment. Especially as the difficult work of reconstruction wore on, the expedient of giving the newly made freemen the ballot gained ground. Yet even in 1865 the Republican Party was opposed to the extension of the franchise to the Negroes. Neither Lincoln nor Johnson proposed such a measure. But finally Sumner's plan prevailed as a party policy. Argument: The Negro was still in subjection, while the South had been freed from slavery; the ballot would make him free indeed. In fact at that time, it seemed to be a choice between maintaining an army at the South or securing the ballot for the Negro; the latter was regarded as the lesser of two evils. The weapon proved a boomerang. (McCulloch, supra, pp. 80 and 81.)

The radical Republicans insisted on the Negro becoming an elector in the South, while he was disfranchised in the vast majority of the Northern Commonwealths. The North threw theories and prejudices to the winds and sought to find a practical solution of the vexing question, "What to do with the Negro?" The 13th amendment destroyed slavery; the 14th made the Negro a citizen, but not a voter. Finally the 15th sought to secure the elective franchise for and to him, in spite of race prejudice and existing adverse and discouraging conditions. Shellenbarger, who proposed a substitute prohibiting any disfranchisement of males 21 years of age, except for crime, pointed out that this amendment would suggest other disqualifying tests than race, color, and so forth. Subsequent events have shown that this desperate expedient was futile. While the amendment secured temporarily the widest extension of the elective franchise to the Negro, it was extreme and unwise.

What was secured for the Negro by the 15th amendment? It did not confer suffrage upon him nor upon anyone. The States were still left wide latitude aside from its inhibitions. It merely prevented discrimination on account of race, color, or previous condition of servitude. However, it has been held to confer suffrage indirectly; in extending the franchise to any class of inhabitants, Negroes may not be excluded. To secure a decision under the 15th amendment it has been held that the indictment must specify that the elector was excluded because he was a Negro—just such an inference is not sufficient. While power is conferred upon Congress to legislate upon the subject of Commonwealth elections, this may not be done except when an otherwise qualified voter is denied that privilege because of race, color, or previous condition of servitude. Hence, the redress formerly secured by this amendment was not so sweeping as would at first appear.

The suffrage issue was injected into a Mississippi case, but the Supreme Court upheld the decisions of the State court; while in a Virginia contention the Court refused to assume jurisdiction. The decision in the case of an Alabama Negro, wherein it was held by the Supreme Court that that tribunal did not have jurisdiction, maintained that the offense, and hence a remedy, was political rather than judicial. The inference was that recourse must be had through Congress acting under the 14th amendment. There has been little likelihood of such action. However, the recent decision declaring the Oklahoma grandfather clause unconstitutional is a departure from precedent. It would seem that the 15th amendment is to become more effective. The disappearance of shifty and temporary expedients, used under the guise of legality to disfranchise the Negro in the South should be welcomed. Even the South seems to accept this view of this matter.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. STENNIS. The Senator's speech has covered many major points in a wide field. I should like to have his opinion on one subject which I think is fundamental. The Senator is familiar with the provisions he has so ably discussed concerning the mandate of the Federal Constitution itself that the States shall select and pass upon the qualifications of electors, and that the Constitution prescribes that they shall be the same as those for the most numerous branch of the State legislature. Does not the Senator think, from his knowledge of history and the Constitutional Convention, that this salient feature was one of the principal so-called compromise agreements which really led to the adoption of the Constitution itself?

Mr. ELLENDER. There is no doubt at all in my mind, as I have read the debates at the Convention and the debates which took place at all the State conventions with reference to the ratification of the Constitution, that that was one of the main items discussed. The Senator is exactly correct in saying that except for the fact that the States themselves retained the right and the power to decide who shall or shall not vote, and to spell out the qualifications, the Federal Constitution would never have been adopted. There is no dispute about that.

Mr. STENNIS. Is it not true that that is the basic reason, reinforced by the fact that that principle had always been brought forward in connection with this subject matter?

Mr. ELLENDER. That is correct.

Mr. STENNIS. Is not that the basic reason why the Constitution, certainly in spirit as well as in fact, is a compact and, except under the most extreme conditions, politically sacred ground, so to speak, and should not be disturbed?

Mr. ELLENDER. The Senator is correct. As I pointed out in response to the questions asked by the distinguished Senator from North Carolina [Mr. ERVIN], some Members of Congress like to use civil rights as a means of inducing the people back home to vote for them. In other words, they use civil rights as a means of showing that they are trying to do something for certain minority groups as a means of attracting their votes.

I have been a Member of the Senate for more than a quarter of a century. Never have I attended a session of Congress when we did not have some so-called civil rights legislation to contend with. All such measures are presented by some Members to excite the folks back home. It occurs to me that if all the laws which have been passed by Congress on the subject of the electorate of the States were enforced, there would be no need of any further so-called civil rights legislation.

Mr. STENNIS. The Senator's State has seen fit, under its power to prescribe qualifications for voters, to change its law, and no longer has a poll tax. From his many years of public service, both here and in his home State, does not the Senator believe it is a basic principle of our dual system of government that this question should be left to each State for its own decision, rather than to have the other States, by a constitutional amendment, simply sweep the others off the board, contrary to the wishes of their people?

Mr. ELLENDER. The Senator is correct. Only five States have not taken such action. Every State must pass upon this question and decide whether it wants a poll tax or not; whether it wants to have its people know how to read or write or to own property if they have the privilege of voting. The right to spell out qualifications for voters or electors has always been left to the State, and I hope it will remain there.

Mr. STENNIS. Another illustration is that one great State, New York, requires its voters to be able to read the English language. Even if the Senator from Louisiana did not agree with that requirement as being a sound measure, would it not shock him to think of trying to impose his will on the State of New York and make that State change its requirement anyway?

Mr. ELLENDER. I would not impose it on New York.

(At this point Mr. SMITH of Massachusetts took the chair as Presiding Officer.)

BIRTHDAY CONGRATULATIONS TO SENATOR SMITH OF MASSACHUSETTS

Mr. MANSFIELD. Mr. President, I think it is time that the Senate was made aware of the fact that the present Presiding Officer of the Senate, the distin-

guished Senator from Massachusetts [Mr. SMITH], is 46 years old today. I wish to extend my congratulations to this young man. In my opinion, since his term of service began in this body, he has been one of its outstanding Members.

I have said before, and I say again, that I myself feel very regretful that the junior Senator from Massachusetts will leave the Senate next year and will no longer be with us. He has made an outstanding record in this body. He has been a conscientious, a diligent, a cooperative, and an understanding Senator. I hope that when he leaves us, it will be with the proviso that on occasion he will return to visit us. I am sure he knows that he will always be welcome in this body. The floor will always be his whenever he wishes to see us.

Mr. MILLER. Mr. President, I am more than pleased to join with the distinguished majority leader in wishing the present Presiding Officer of the Senate a happy birthday. I am proud to join my own wishes with the many others he will receive today.

WITHDRAWAL OF SOVIET FORCES STATIONED IN LATVIA, LITHUANIA, AND ESTONIA—CONCURRENT RESOLUTION

Mr. MILLER. Mr. President, on behalf of the senior Senator from Iowa [Mr. HICKENLOOPER] and myself, I submit for printing and appropriate reference a concurrent resolution calling upon the President of the United States to seek, through the United Nations or otherwise, a withdrawal of Soviet forces stationed in Latvia, Lithuania, and Estonia, and the holding of free elections in those nations, to the end that they may once again live as free, independent, sovereign members of the community of nations.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 64), submitted by Mr. MILLER (for himself and Mr. HICKENLOOPER), was received and referred to the Committee on Foreign Relations, as follows:

Resolved by the Senate (the House of Representatives concurring),

Whereas the Charter of the United Nations declares as one of its purposes the development of friendly relations among nations based "on respect for the principle of equal rights and self-determination of peoples"; and

Whereas the Union of the Soviet Socialist Republics has by force suppressed the freedom of the people of Latvia, Lithuania, and Estonia and continues to deny them the right of self-determination by free elections; and

Whereas suppression of the freedom of the peoples of Latvia, Lithuania, and Estonia is an invitation to violence and threatens the peace: Therefore be it

Resolved that it is the sense of the Senate (the House of Representatives concurring), That the President of the United States should seek through the United Nations and otherwise to bring about the withdrawal of Soviet forces stationed in Latvia, Lithuania, and Estonia and the holding of free elections in those nations to the end that they may once again live as free, independent and sovereign members of the community of nations.

Mr. MILLER. Mr. President, several Iowans have written to me, requesting that my colleague and I submit such a concurrent resolution. Among them is the Reverend Simon Morkunas, administrator of St. Casimir's Church, Sioux City, Iowa. I ask unanimous consent that the letter from Father Morkunas be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ST. CASIMIR'S CHURCH,
Sioux City, Iowa, February 6, 1962.

Hon. JACK MILLER,
Senate Office Building, Washington, D.C.

MY DEAR SENATOR: Whether we like it or not, we must admit, as the facts clearly show, the Soviet communism without any sacrifice on its part has made enormous gains in its efforts to dominate the world. One by one nations are being taken over at the very tip of the noses of the Western powers.

The time has come for the free Western Powers to admit and recognize the fact that Soviet communism has only one essential goal: the complete and total domination of all nations by the Soviets. It is time, therefore, to cease dillydallying and to take positive and concrete steps to stop the ever-increasing menace of communism.

I am taking the liberty of enclosing a resolution which I kindly ask you to introduce in the Senate for passage. I realize it concerns the Baltic nations but it is my conviction that positive and concrete action with regard to the Baltic nations will do much to stop the Soviets from making further gains in their untiring efforts to make the world safe not for democracy but for Soviet communism.

With my sincerest gratitude for your cooperation in this most urgent matter, I remain,

Respectfully yours,
Rev. SIMON MORKUNAS,
Administrator.

Mr. MILLER. Mr. President, I think it worthwhile to point out that resolutions relating to the liberation of the Baltic States have previously been submitted at this session of Congress. One is Senate Concurrent Resolution 63, submitted by the distinguished senior Senator from Ohio [Mr. LAUSCHE]. It appears at page 3604 of the RECORD of March 8, 1962.

Another is House Concurrent Resolution 444, which may be found at page 3434 of the RECORD.

Another is House Concurrent Resolution 439, which may be found at page 2966 of the RECORD.

Furthermore, during the 1st session of the 87th Congress, four similar resolutions were submitted. One, Senate Concurrent Resolution 12, was submitted by the distinguished senior Senator from California [Mr. KUCHEL], and may be found in the CONGRESSIONAL RECORD, volume 107, part 2, page 1728.

Another is House Concurrent Resolution 153, which may be found in the CONGRESSIONAL RECORD, volume 107, part 2, page 2036.

Another is House Concurrent Resolution 163, which may be found in the CONGRESSIONAL RECORD, volume 107, part 2, page 2245.

Finally, House Concurrent Resolution 195 may be found in the CONGRESSIONAL RECORD, volume 107, part 3, page 3833.

Also, Representative CHARLES B. HOEVEN, of the Eighth Congressional District of Iowa, has submitted a resolution identical to the one which Senator HICKENLOOPER and I have submitted today.

I believe the substantial interest in resolutions of this nature indicates a strong feeling on the part of many Members of Congress that this is one of many ways in which the free world can seize the offensive from the Communist world. Instead of constantly reacting to every whim and fancy of Mr. Khrushchev and the other leaders of the Kremlin, it is about time that the free world, and the United States in particular, should take the offensive in calling for the freeing of the captive peoples. It seems to me that this is one of the first places to start.

U.S. SUPREME COURT DECISION IN TENNESSEE REAPPORTIONMENT CASE

Mr. MILLER. Mr. President, for some time there has been pending in the Supreme Court of the United States the case of Baker against Carr, a civil action to redress alleged deprivation of Federal constitutional rights because of the failure of the Legislature of Tennessee to reapportion itself since 1901 in accordance with the State's constitution, which requires reapportionment within every 10 years, to reflect the changes in the State's population and relative changes in the populations of the various counties.

Mr. President, today the decision of the Supreme Court of the United States was handed down in the case of Baker against Carr; and it is one of the most important and most timely in the history of the Court. It has given life to an unwritten law which has been incubating under the equal protection clause of the 14th amendment of the Constitution. The unwritten law stands for the proposition that, although the States retain the right to determine how their respective legislatures are to be established and the qualifications for the voters to elect the legislators, a majority of the people should control at least one house of a State legislature. Compromise is the lifeblood of the legislative process, Mr. President. If a majority of the citizens of a State control one house of the legislature, they have the bargaining power to work with a house which represents area or property interests to achieve compromise legislation.

The decision of the Supreme Court in the case of Baker against Carr provides no immediate relief to citizens of a State who have been aggrieved because of the violation of this unwritten law. The Court held that dismissal of the case by the local Federal district court was in error, and remanded it for trial and for the fashioning of such remedy as is appropriate. What is so important is that the Supreme Court will no longer permit the lower courts to agree, as the Federal district court did in this case, that a legislature is in violation of a State constitution, that rights of citizens have been impaired, and that the evil is "a serious one which should be corrected without further delay," but at the same time to dodge the problem by merely saying "the remedy does not lie with the courts."

Mr. President, the unwritten law to which I have referred has remained unwritten because it is only within the last 25 years that population shifts, growth of metropolitan areas, and increased costs of local government have brought about a genuine awareness of its importance. The awareness has been accompanied by frustration. People in the large counties, including many rural residents who live in those counties, see laws passed which they do not want, or bills defeated which they want—by legislatures in neither house of which they have a fair voice. When they have heretofore gone to the courts, they have almost always been told that theirs is a "political" problem, and that they must turn to the legislature for relief. When relief has not been forthcoming, they have had no choice but to turn to the Federal Government. Thus, there has been a steady dilution of the power and viability of the sovereign States; and if it is continued, it could mean destruction of the Republic for which our flag stands and to which we so often pledge our allegiance.

It so happens that the Baker against Carr case involves the failure of the Legislature of Tennessee to reapportion itself in accordance with the Tennessee constitution, which appears to provide for control of at least one house of the legislature by a majority of the people of Tennessee. Further clarification may be required in situations in which the State legislature has carried out reapportionment in accordance with the State constitution, but where the constitution itself prevents apportionment in such a way as to give a majority of the people control of at least one house of the legislature. In such a situation, the citizens of the State have heretofore had no recourse except to seek an amendment to the constitution. Where the State constitution gives the people the initiative, they do have a remedy. But where the citizens do not have the initiative, they must turn to the legislature; and a legislature in which the people control neither house is usually reluctant to initiate a constitutional amendment. The decision of the Supreme Court paves the way for a Federal decision that the constitution of a State itself is violative of the 14th amendment of the Federal Constitution and for appropriate relief to the citizens of that State.

Mr. President, I am pleased to point out that the Iowa Legislature has of its own volition taken positive steps to amend the State constitution in such a manner as to provide for control of one house of the legislature by a majority of the people and to insure prompt reapportionment if the legislature itself fails to act. This action has come about only after much debate, public information programs of civic and farm organizations and of the press, and the hard work of legislators who were statesmen enough to surrender the power which they possessed. I hope that other legislatures will take similar action in the near future, so that the power of the Federal courts will not have to be invoked, and so that the increasing trend toward centralized Federal Government will be reversed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

BYELORUSSIAN INDEPENDENCE DAY

Mr. DIRKSEN. Mr. President, Byelorussian Independence Day is celebrated on the 25th day of March each year. The Byelorussian people gained their independence 44 years ago, but it was short lived because the Communist Soviet Union put the Byelorussians behind the Iron Curtain. These people are in the same position as the people of Lithuania, Estonia, Latvia, Poland, Czechoslovakia, Hungary, Yugoslavia, Albania, Bulgaria, and others who are behind the Iron Curtain and all of them are looking to America and the rest of the free world for moral support and for a ray of hope that some day they may become free.

Mr. President, I have received a letter from Mr. Nikodem Zyznieuski, president of the Byelorussian-American Youth Organization in the State of Illinois, cosigned by the secretary, Mrs. Vera Z. Romuk, which is a very informative paper on the problems created by the Soviet Union to the Byelorussians behind the Iron Curtain. I ask unanimous consent that the letter be made a part of my statement at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BYELORUSSIAN-AMERICAN
YOUTH ORGANIZATION,
IN THE STATE OF ILLINOIS,
Chicago, Ill., March 19, 1962.

Hon. EVERETT M. DIRKSEN,
U.S. Senate,
Washington, D.C.

OUR DEAR SENATOR DIRKSEN: On Sunday, March 25, falls the 44th anniversary of the Declaration of Independence of Byelorussia and the Americans of Byelorussian descent in Illinois will dedicate this day especially to freedom and democracy of Byelorussia. There will be prayers offered for our Byelorussian kinsmen behind the Iron Curtain and special programs had, particularly here in Chicago, to pay our tribute to once free people.

It is also hoped that the day of March 25 will not pass without notice on the part of our American public and particularly our leaders on the local, State, and National level. We, therefore, would also greatly appreciate your mention of this day in Congress.

The Americans of Byelorussian descent, whose kinsmen are still kept in bondage in their homeland occupied by Soviet Russia, believe that it is our duty not only to revive and demonstrate the hope for freedom which our kinsmen still cherish in their occupied homeland but also to constantly:

1. Remind our own American people in general, and our local, State, and National Governments in particular, that the Byelorussian nation is still subjected to brutality by Communist Russia, to ruthless suppression of its freedom, liquidation of its national independence, destruction of its culture and religion, the genocidal policies practiced against its people with untold losses of human lives, and severance of all contacts with the free world.

2. Inform our American leaders and the public that despite Russia's attempts to eradicate all Byelorussian traditions and national traits, the Byelorussian people were never willing to forgo and forget their distinct national identity, their language, and their history of struggle, and that they have always wanted to regain their freedom and national independence.

3. Appeal to our American leaders to declare their sympathy for the people of Byelorussia and pledge themselves to constantly remind the people of the world, including Russian Communists, that the American people have not forgotten and shall not forget the efforts of the Byelorussian people to gain their rightful place among the free nations of the world.

We also wish to bring to your attention at this time the fact that the American citizens of Byelorussian descent have been greatly disturbed and terrified by the increased inflow of the Communist propaganda in the Byelorussian language not only in the form of printed matter but also by means of radio broadcasts to this continent recently. The newsletter is called the Voice of the Homeland and is aimed at every Byelorussian immigrant in the free world. Its purpose is twofold: To lure the Byelorussian immigrants in the free world by deceitful methods to return to their Communist-occupied homeland and to smear the Byelorussian leaders in the free world so that they would lose support of their kinsmen abroad. As stated below the title of the newsletter, it is published by the Byelorussian section of the Committee for the Return to Homeland and the Development of Cultural Ties Among Byelorussian Kinsmen Abroad. It has been published for the eighth consecutive year upon approval by the Communist Party of the Soviet Union and is a weekly publication, consisting of four pages of the finest grade paper.

We are enclosing copies here, one showing the title of the Byelorussian language newsletter and another, which appears on the last page of this same paper, being always page four, showing time of broadcasts and other pertinent information to Western Europe and the United States and Canada with those in the Byelorussian language circled in red by the undersigned, along with our translation of broadcast information into English. We would greatly appreciate your action along this line either to completely stop the inflow of Communist propaganda to this country in the Byelorussian language or demand that the Russians allow free flow of publications in the Byelorussian language to Byelorussian Soviet Socialist Republic from the free world.

Also, we wish to request you to again renew your inquiries as to the possibility of initiating at the present time Byelorussian language broadcasts over the networks of the Voice of America to counter the Communist propaganda broadcasts directed to the United States and Canada in the Byelorussian language to a small number of Byelorussian immigrants here.

Being of Byelorussian descent, we are deeply concerned because of omission of the Byelorussian language by the Voice of America administration in the past. Inquiries made of the Voice of America administration directly by the Byelorussian-American organizations and by you, Senator DIRKSEN, on behalf of Byelorussian language in recent years have been justified only by lack of funds. It is interesting to note, however, that there are sufficient funds for broadcasts to the Soviet Union in the languages

of nationalities much smaller than Byelorussians, as for example, Georgian (spoken by 2.5 million people), Armenian (spoken by 3 million), and the languages of the Baltic Republics of Estonia, Latvia, and Lithuania.

Since the Byelorussian language, which is spoken, according to Soviet official statistics, by 8 million people is still being disregarded by our Government as perhaps unimportant it cannot but lead the Byelorussian-American community to believe that our Government is still opposed to application of the principle of self-determination to Byelorussians, when at the same time this principle is upheld by the U.S. Government and guides its foreign policy.

We further believe that if the Soviet Government is justified to make great efforts and spend huge amounts of money to broadcast only to a small number of Byelorussian immigrants on this continent, that the U.S. Government should be more justified to consider that 8 million Byelorussian people behind the Iron Curtain deserve the confidence of the free world to hear the Voice of America broadcasts in their own language.

Thank you for whatever action you may take with respect to the above matters.

Sincerely yours,

NIKODEM ZYZNIEUSKI,
President.
Mrs. VERA Z. ROMUK,
Secretary.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JUSTICE DEPARTMENT'S FAILURE TO PROSECUTE COMMUNISTS

Mr. TOWER. Mr. President, there has, of course, been a great deal of discussion on the poll tax issue. I think it is unfortunate that we dwell on a matter of this nature when there are so many important issues that deserve the attention of this body. We have talked a great deal here about the relationship of the poll tax issue to the American Federal system, the constitutional system. I would like to emphasize one aspect of this question, the threat of the Communist Party internally in this country.

Some persons have held that the Communist Party does not constitute much of a threat, that there are only 8,000 or 10,000 members of that party in this country; and, so far as any open advocacy of the Communist faith is concerned, I am sure that not too many Americans would be inclined to follow them. However, they are a small, carefully organized, highly disciplined group, work in very insidious ways, and wield an influence out of all proportion to their numbers. Witness the vast number of Communist front organizations that can be found on the Attorney General's list, and note the large number of people, perhaps most of whom are not Communists, who belong to those groups. So they can deceive well-meaning persons who might conceivably be opinion leaders in the United States.

I notice that the Justice Department has failed to vigorously prosecute Communists in this country. I would like to go into the background of this issue a little.

On September 23, 1950, the Congress of the United States passed, over the veto of the President, the Internal Security Act of 1950, which is popularly known as the McCarran Act, after the late Hon. Pat McCarran, then chairman of the Senate Committee on the Judiciary.

On December 21, 1950, the Senate, by approval of Senate Resolution 366, created the Internal Security Subcommittee of the Committee on the Judiciary and instructed it to "make a complete and continuing study of the administration, operation, and enforcement" of the act, of other laws relating to espionage, sabotage, and the protection of the internal security of the United States, and of the "extent, nature, and effects of subversive activities in the United States."

HISTORICAL BACKGROUND

Mr. President, the law consists of two parts, title I and title II respectively. Title I is known as the Subversive Activities Control Act of 1950 and title II is called the Emergency Detention Act of 1950.

Section 2 of the act sets forth in 15 numbered paragraphs certain findings based on "evidence adduced before the various committees of the Senate and House of Representatives." I shall summarize these findings at this time, and read them verbatim into the RECORD later in this statement, for it was these findings that convinced the Congress of the necessity for legislation.

Congress, found, for example, that "there exists a world Communist movement," consisting of a "worldwide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups—governmental and otherwise—espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a worldwide Communist organization."

The direction and control of this movement was found to be vested in and exercised by the Communist dictatorship of a foreign country, not named in the act, but whose precise identity is well known at this time, as no doubt it was then.

This foreign Communist dictatorship, it was further found, establishes action organizations in various countries, those organizations being part of a worldwide Communist organization and controlled by the foreign dictatorship.

These Communist action organizations seek to bring about the overthrow of existing governments by any available means, including force if necessary and to set up in their stead local Communist dictatorships subservient to the parent dictatorship.

These Communist organizations are organized on a secret, conspiratorial basis and operate to a substantial extent through Communist fronts, which are maintained and used so as to conceal their true character and membership.

The Congress further declared that all of the foregoing findings of fact presented a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary, in order to maintain the national status quo, to enact appropriate legislation to prevent the Communist movement from accomplishing its purpose in the United States.

COMMUNIST-ACTION ORGANIZATION

The act defines a "Communist-action organization" as "any organization in the United States," other than one diplomatically accredited, which is "substantially directed, dominated, or controlled by the foreign government or foreign organization controlling the world Communist movement," and which "operates primarily to advance the objectives" of that movement "as referred to in section 2."

COMMUNIST-FRONT ORGANIZATION

A "Communist-front organization" is defined as "any organization in the United States" which is "substantially directed, dominated or controlled by a Communist-action organization" and "is primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement."

REGISTRATION REQUIREMENTS

Under the general provisions of this act, each "Communist-action"—7(a)—and "Communist-front"—7(b)—organization in the United States is required to register with the Attorney General of the United States, on a form prescribed by him by regulations, as the one or other type of organization. Registration is to be effected within 30 days after the enactment of the act, or in the case of an organization which becomes registerable after the act passage, within 30 days after becoming registrable. In the case of an organization which does not voluntarily register and which is subsequently ordered to register by the Subversive Activities Control Board, registration must be effected within 30 days after the Board's order becomes final.

THE REGISTRATION STATEMENT

The registration process includes the submission of a registration statement, to be prepared in accordance with regulations, containing certain specified information. The information is to include, first, the name and address of the organization; second, the name, address, title, and duties of each officer of the organization, including each person who has been an officer at any time during the preceding year; third, an accounting of all funds received and spent by the organization during the preceding year, including the sources of the funds and the purposes of the expenditures; fourth, applicable to action organizations only—the name and address of each member of the organization, including each person who has been a member at any time during the preceding year; fifth, any aliases that may ever have been used by any officer or member required to be listed; and, sixth, a list of all printing presses and

other mechanical devices used in printing in the possession or control of the organization, its officers, or members.

REGISTRATION BY INDIVIDUALS

If a Communist-action organization or Communist-front organization should fail to register or to file a registration statement or annual report, as required by section 7, it is the duty of the executive officer and of the secretary of the organization—or the individuals performing the usual duties of such officers—and of such other officers as the Attorney General may by regulations prescribe, to register for the organization or to file the registration statement or annual report, as the case may be.

The act specifies two conditions under which individuals, as members of a Communist-action organization, are required to register personally with the Attorney General. These are: First, if there is in effect a final order of the Board requiring the action organization to register and more than 30 days elapse without compliance, it becomes the duty of each member of the organization to register personally; second, if a Communist-action organization registers but fails to list all the names of its members, each member not on the list, who knows the organization to be registered and to have omitted his name, must himself register within 60 days after obtaining such knowledge. In either case, the individual is required to file a registration statement containing such information as the Attorney General may by regulation prescribe.

The act was amended in 1954 so as to define a third category of Communist organization, the "Communist-infiltrated organization," and to enact various restrictive measures with respect to such groups. Under the act, as amended, Communist-infiltrated organizations are not subject to the registration requirements of the act. They are, however, subject to Board orders determining them to be Communist infiltrated, which orders, when they become final, entail for such groups some of the legal consequences which attach to action and to front groups when registered or directed to register by a final Board order.

ACTION BY ATTORNEY GENERAL

On November 22, 1950, the Attorney General, pursuant to section 13(a) of the act, filed with the Board a petition for an order requiring the Communist Party of the U.S.A. to register as a Communist-action organization. The petition alleged that the party was a Communist-action organization as defined in the act and set forth numerous allegations of fact in support thereof. The Communist Party, U.S.A., on February 14, 1951, filed, under protest, an answer denying generally that it was a Communist-action organization as defined in the act.

Numerous legal proceedings were had over a period of 9 years resolving certain questions, after which the Supreme Court, in its October 1960 term, heard final arguments on the constitutional issues involved.

DEFENSE OF THE COMMUNIST PARTY OF THE UNITED STATES OF AMERICA

In protesting the constitutionality of the act in general and its registration provisions in particular, the Communist Party, U.S.A., contended, in principal part, that the Board hearing and the registration provisions are invalid as violative of the free speech, self-incrimination, and due process clauses of the Constitution.

REPLY BY THE GOVERNMENT

In answer to the above contentions, the Government argued in pertinent part:

First. That the first amendment does not prohibit Congress from requiring registration of, and disclosure of information by, domestic organizations dominated by foreign agencies whose purpose it is to establish a Communist dictatorship in the United States.

Second. That neither the registration provisions of the act, nor the Board's order violated the fifth amendment's prohibition against compulsory self-incrimination.

Third. That the registration provisions are in accord with the due process clause of the 14th amendment.

SUPREME COURT ACTION

The Supreme Court, on June 5, 1961, ruled:

First. That section 7 of the act of 1950, as amended, is not unconstitutional as a bill of attainder, restraint or freedom of speech and association, impairment of the right against self-incrimination, or denial of due process; that is to say, the Constitution does not prohibit the requirement, by the Congress of the United States, that the Communist Party, U.S.A., register with the Attorney General as a Communist-action organization, pursuant to section 7 of the act.

Second. That evidence of consistent, undeviating dedication of the Communist Party, over extended periods of time, to programs of the Communist International and the Soviet Union, justified the findings of the Subversive Activities Control Board that the Communist Party, U.S.A., is substantially directed, dominated or controlled by a foreign government, within the meaning of section 3(3) of the act, even though there is no proof that a foreign government has coercive power to exact compliance.

Third. That the findings of the Board that the Communist Party advocated the overthrow of the Government of the United States by force and violence, if necessary, satisfied the subversive objectives test in sections 2 and 3(3) of the act, even though such finding does not encompass incitement to present use of force.

SUBSEQUENT ACTION

The final order to register, with respect to a designated Communist-action organization, became effective as of October 20, 1961. Since the Supreme Court had specifically designated the Communist Party, U.S.A., as a Communist-action organization, dominated and controlled by the Soviet Union, the party was obliged by law to register as such organization on or before midnight of November 20, 1961, and, upon its failure to do so, its officers were required to register within 10 days thereof, by midnight of November 30, 1961.

The Communist Party, U.S.A., failed to register as required on November 30, 1961. Prior to November 10, 1961, it had notified the Attorney General that its officers decline to execute and file registration form IS–51, or registration statement IS–51(a) on behalf of the party, as required by the act, and specifically stated:

These declinations are made by each officer in the exercise of his privilege under the fifth amendment to the Constitution not to be a witness against himself. The officers have adopted this means of asserting their respective constitutional privileges because a claim of privilege made in the name of an officer would tend to incriminate him and might constitute a waiver of his privilege.

The undersigned and its officers also hereby inform you that it is their conviction that the Communist Party of the United States is not a Communist-action organization.

On behalf of its members, the undersigned also hereby asserts the constitutional privilege of each of them against self-incrimination by the listing of his name as a member of the undersigned or the furnishing of any of the other information called for by forms IS–51 and IS–51a.

A Federal grand jury sitting in the U.S. District Court of the District of Columbia returned an indictment on December 1, 1961, against the Communist Party, U.S.A., charging the party with having failed to register as a Communist-action organization as required by the act. The indictment consists of 12 counts, 1 for each of the 11 days from November 20, 1961, the effective date of the registration order, to December 1, 1961, and 1 other count for its failure to file the required registration statement within 10 days after the failure of the party, as a Communist-action organization, to do so.

The party was arraigned on December 8, 1961, and pled not guilty to all charges contained in the indictment. Upon motion of counsel for the party, the court granted a 30-day stay to permit the filing of appropriate motions. Trial was set for February 1, 1962. It has been postponed.

Mr. President, I have had an exchange of correspondence with the Department of Justice concerning a matter of grave concern to millions of Americans. I am referring to the failure of the Attorney General to vigorously enforce provisions of the Internal Security Act of 1950, as upheld by the Supreme Court.

On February 26 I addressed the following letter to the Attorney General.

DEAR MR. ATTORNEY GENERAL: I have received a number of inquiries from constituents regarding the Department of Justice's failure to prosecute known Communists who did not register in compliance with the Subversive Activities Control Act of 1950. I, too, am curious.

Would you please enlighten me on this matter?

Sincerely yours,

JOHN G. TOWER.

On March 1, I received the following reply to my letter, from J. Walter Yeagley, Assistant Attorney General, Division of Internal Security:

DEAR SENATOR TOWER: Your letter of February 26, 1962, to the Attorney General, relating to the registration of the Communist Party, its officers and members under the Internal Security Act of 1950, has been referred to this Division for reply.

I am enclosing six copies of a statement setting forth in detail the status of the Com-

munist Party case as of February 1, 1962, including the action taken by this Department to enforce the Internal Security Act of 1950.

I trust that this information will prove helpful and if I can be of assistance in connection with any other matter, please do not hesitate to communicate with me.

Sincerely,

J. WALTER YEAGLEY,
Assistant Attorney General.

I should like to read into the RECORD the enclosure referred to by Mr. Yeagley, and then I shall comment on it. It is entitled "Steps Taken by the Department of Justice To Enforce the Provisions of the Internal Security Act in Accordance With the Decision of the Supreme Court in the Communist Party Case, as of February 1, 1962."

Following 10½ years of litigation the Supreme Court on June 5, 1961 upheld the constitutionality of an order of the Subversive Activities Control Board which found the Communist Party to be substantially directed, dominated and controlled by the Soviet Union and required to register with the Attorney General as a Communist action organization pursuant to the provisions of the Internal Security Act of 1950. As a result of the Court's denial of the party's petition for a rehearing the order of the Board became final on October 20. Under the law the Communist Party was required to register with the Attorney General within 30 days and to file a registration statement containing the names and addresses of its officers and members at any time during the preceding year. The party was also required to furnish a complete accounting of its finances and to list all printing presses in possession or control of the party. When the party refused to register by November 20 as required by the law, we presented evidence to a grand jury in the District of Columbia and on December 1, 1961, the Communist Party was indicted in 12 counts, including one count for each of the 11 days it had failed to register and account for its failure to file a registration statement.

The act provides that upon failure of the organization to register, certain officers must register for the organization within 10 days after such default. Thus the officers of the party—responsible for effecting its registration—were required to comply on or before November 30 which they did not do, thereby rendering themselves subject to the criminal liability of the act. The default of both the party and the officers imposed a duty upon current members of the party to register themselves on or before December 20. No member has yet registered with the Department of Justice.

In enforcing the criminal liability of the act against defaulting party members we are compelled to follow a course of procedure entirely different from that now being pursued against the party. Before a member of the party may be prosecuted for failure to register under the act there must be outstanding against him a final order of the Subversive Activities Control Board determining that he is presently a member and required to register. Proceedings before the Subversive Activities Control Board are initiated by the Attorney General filing a petition seeking an order requiring the individual member to register. Proof of such membership would have to be adduced at a public hearing with the constitutional safeguards of confrontation and cross-examination. The act further provides for a fully appellate review before any Board order becomes final. In these circumstances there can be no criminal action against a defaulting member until such time as an order of the Board requiring him to register has been obtained and has become final followed by his noncompliance therewith. Worthy of note with respect to the enforcement procedures against a defaulting member is that criminal proceedings would have to be based upon his failure to comply with the final order of the Board requiring him to register.

I digress at this point from quoting the arguments by the Department of Justice, to point out that the argument just mentioned, concerning the necessary prerequisite for criminal prosecution, is the same argument which was raised by the defense counsel for the Communist Party.

A number of sanctions upon the party's activities and its membership also went into effect when the Board's order requiring registration became final on October 20. These sanctions make it unlawful for the Communist Party or any persons on its behalf to transmit without appropriate labeling through the U.S. mail or by any means or instrumentality of interstate or foreign commerce any publications intended for distribution among two or more persons. The labeling requirement also applies to public utterances on radio or television. In addition, these sanctions prohibit members of the Communist Party from applying for, renewing, using or attempting to use a passport and also from holding a job in a defense facility listed by the Secretary of Defense or any position in the Federal service.

On January 24, 1962, the Department of Justice began the presentation of evidence of violations under the act to an investigative grand jury in the District of Columbia. The objective is to establish that the Worker, the Midweek Worker, and perhaps other publications are being disseminated through the U.S. mails and in interstate and foreign commerce by the Communist Party and persons on its behalf in violation of that provision of the act which requires that such publications be properly labeled as disseminated by a Communist organization. In addition, the grand jury is receiving evidence to determine who the officers of the party have been since November 20, 1961, and to fix the criminal liability of such officers for failing to register the party after its default. Evidence is also being presented to enable the grand jury to determine whether there was an illegal conspiracy to violate the law. Numerous witnesses have already been called before the grand jury and it is anticipated that a great many more will be called before this inquiry is completed.

This unsigned statement was sent to me by the Assistant Attorney General as an enclosure to his letter.

Mr. President, Mr. Yeagley's letter suggests, in effect, that I send my constituents the statement I just read, as an explanation of "steps taken by the Department of Justice to enforce the provisions of the Internal Security Act."

This paper would serve to explain why the Justice Department has or has not been active in prosecuting the Communist Party and its officials under the terms of the 1950 act and the decision of the U.S. Supreme Court June 5, 1961.

I have studied the outline of the steps taken, but I do not conclude that the effort by the Department of Justice has been characterized by diligence or prosecutive zeal.

First of all is the time factor—over a decade has elapsed since the passage of the McCarran Act and I would assume that that would be ample time to make exhaustive preparation for prosecution forthwith as soon as the act were upheld by the Highest Court. The order of the Subversive Activities Control Board became final last October 20. The Communist Party was indicted December 1, 1961, for failure to register. I assume that the Department did not secure such an indictment until it had fully exhausted law and facts and was prepared as of that moment to prosecute diligently. Yet I learned of the local press—News, March 1, 1962—that trial of the indictment is "off indefinitely." The trial had been set for February 1, 1962, and it would strike me that that was a feasible time to commence prosecution of a case that came into final focus last June. I noted the absence of vehement objections to the postponement of the trial.

A New York Times dispatch December 2, 1961, reported that a complicated proceeding was in store against party leaders, a "laborious process," according to the Attorney General as he alluded to the Subversive Activities Control Board. Why the Congress should now confront a "laborious process" when the statute has been on the books nearly 11 years is a problem of perplexity to me. The Internal Security Division was set up in July of 1954 as I recall and if it wasn't the purpose of the Department of Justice to be prepared for just such a successful contingency, I have no idea why.

I fail to find one suggestion or recommendation from the Department to the Congress to cope with the very problems of procedure or "laborious process" that are now contemplated. What was the Department waiting for?

I now learn of the local press that two notorious Communists, who have been working sedulously toward the overthrow of this Government by force and violence—to wit, their Smith Act convictions—have been indicted as of March 15, 1962, for failure to register the party as required by the Internal Security Act. Ben Davis and Gus Hall were and are only two of the Communist hierarchy in this country. It is inconceivable to me with the excellent coverage provided by our Federal Bureau of Investigation that for a number of years our highest prosecutive agency has been so barren of probative evidence that prosecution must be limited to two party officials. Numerous subversive characters have emerged over the past decade, including Elizabeth Gurley Flynn, national chairman; Claude Lightfoot, vice chairman, and Irving Potash, Hymen Lumar, and many others. There has been no secret of the propaganda and offensive of the Communist leaders. It is most disturbing that the legal picture is tightened to only two.

If policy is involved, I would respectfully urge that it be articulated. At this stage it is bewildering. The Attorney General is on record via the several media of this country as concluding that

the Communist Party consists of a mere handful—relatively—of 8,000 or 10,000 Communists. Mr. Kennedy is so convinced that he believes "they do not have any power or following."—Baltimore Sun, March 7, 1962. Perhaps this conviction accounts for a lack of enthusiasm, which feeling I noted in the Attorney General's consideration of the abolition of the Internal Security Division—Washington Post, April 1, 1961. This policy may have some merit but in the economic category only. As long as the laws are on the books, I would urge an all-out enforcement, particularly in light of the virile language of the Congress pointing up the menace and extreme danger.

I ask unanimous consent to have printed in the RECORD at this point title I, section 2, of the Internal Security Act of 1950 with respect to the necessity for internal security legislation.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

TITLE I

SEC. 2. Congressional finding of necessity.—As a result of evidence adduced before various committees of the Senate and House of Representatives, the Congress finds that—

(1) There exists a world Communist movement which, in its origins, its development, and its present practice, is a worldwide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a worldwide Communist organization.

(2) The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power, the subordination of the rights of individuals to the state, the denial of fundamental rights of liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by substantial identity between such party and its policies and the government and governmental policies of the country in which it exists.

(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, action organizations which are not free and independent organizations, but are sections of a worldwide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

(6) The Communist action organizations so established and utilized in various countries acting under such control, direction, and discipline, endeavor to carry out the objectves of the world Communist movement by bringing about the overthrow of existing governments by any available means, including force if necessary, and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such organizations usually designate themselves as political parties, they are in fact constituent elements of the worldwide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

(7) In carrying on the activities referred to in paragraph (6) of this section, such Communist organizations in various countries are organized on a secret, conspiratorial basis and operate to a substantial extent through organizations, commonly known as Communist fronts, which in most instances are created and maintained, or used, in such manner as to conceal the facts as to their true character and purposes and their membership. One result of this method of operation is that such affiliated organizations are able to obtain financial and other support from persons who would not extend such support if they knew the true purposes of, and the actual nature of the control and influence exerted upon, such Communist fronts.

(8) Due to the nature and scope of the world Communist movement, with the existence of affiliated constituent elements working toward common objectives in various countries of the world travel of Communist members, representatives, and agents from country to country facilitates communication and is a prerequisite for the carrying on of activities to further the purposes of the Communist movement.

(9) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States, and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement.

(10) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the methods referred to above, already caused the establishment in numerous foreign countries of Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

(11) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law.

(12) The Communist network in the United States is inspired and controlled in large part by foreign agents who are sent into the United States ostensibly as attachés of foreign legations, affiliates of international organizations, members of trading commissions, and in similar capacities, but who use their diplomatic or semidiplomatic status as a shield behind which to engage in activities prejudicial to the public security.

(13) There are, under our present immigration laws, numerous aliens who have been found to be deportable, many of whom are in the subversive, criminal, or immoral classes who are free to roam the country at will without supervision or control.

(14) One device for infiltration by Communists is by procuring naturalization for disloyal aliens who use their citizenship as a badge for admission into the fabric of our society.

(15) The Communist movement in the United States is an organization numbering thousands of adherents, rigidly and ruthlessly disciplined. Awaiting and seeking to advance a moment when the United States may be so far extended by foreign engagements, so far divided in counsel, or so far in industrial or financial straits, that overthrow of the Government of the United States by force or violence may seem possible of achievement, it seeks converts far and wide by an extensive system of schooling and indoctrination. Such preparations by Communist organizations in other countries have aided in supplanting existing governments. The Communist organization in the United States, pursuing its stated objectives, the recent successes of Communist methods in other countries, and the nature and control of the world Communist movement itself, present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such worldwide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

Mr. TOWER. Further, Mr. President, the extreme danger as well as the attitude of the Congress is stated with alarming clarity in section 2, "Findings of Fact," of the Communist Control Act of 1954, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

FINDINGS OF FACT

SEC. 2. The Congress hereby finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States. It constitutes an authoritarian dictatorship within a republic, demanding for itself the rights and privileges accorded to political parties, but denying to all others the liberties guaranteed by the Constitution. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval and disapproval, the policies and programs of the Communist Party are secretly prescribed for it by the foreign leaders of the world Communist movement. Its members have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination with respect to its objectives and methods, and are organized, instructed, and disciplined to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence. Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed

and controlled in the conspirational performance of their revolutionary services. Therefore, the Communist Party should be outlawed.

Mr. TOWER. Mr. President, if the congressional mandate must fade because of impedimenta in enforcement laws and apparatus, an explanation is due the legislative body for failure to advance the recommendations and suggestions required to plug the Communist loopholes. Surely there is no mistaking the intendment of the Congress that "there is a clear and present danger to the security of the United States," though that finding of fact may collide with the opinion of the Department. And it would collide with the fact that a half-dozen fanatic conspirators of the Communist stripe turned over the secrets of the atomic bomb to Russia. The frenetic zeal of 8,000 to 10,000 Communists, equally applied, is enough to paralyze the imagination. I would like to see a matching in dedication and zeal, on behalf of our Government, against that fanaticism.

Let me emphasize again that, while these 8,000 or 10,000 may not be able to make a direct Communist appeal to many people of the United States, nevertheless, because of their organization, their discipline, and their insidious methods, they can wield an influence out of all proportion to their numbers. That many of them are actively engaged in espionage is apparent.

In addition, let me observe on the legal side that I do not understand how the Subversive Activities Control Board fits into the criminal environs. It is an administrative agency only, not a judicial but a quasi-judicial forum. Its standard of proof is not "beyond reasonable doubt" but merely upon "a fair preponderence of the evidence." It took several years for the Board to find one labor union, the Mine, Mill & Smelter Workers Union, a Communist-infiltrated organization. I hesitate to predict how many years would be required to find 8,000 to 10,000 Communists just that—Communists. No more effective repeal pragmatically of the entire internal security program can be comprehended.

I would urge that, upon failure of individual officials and members of the Communist Party to register, the concentration be upon criminal jurisprudence only—that the guilty ones be indicted summarily and brought to trial speedily.

There is disagreement apparently about the meaning of section 15(a) of the 1950 act as it applies to criminal prosecution of individual members of the Communist Party U.S.A. for failure to register. The attorneys for the Communist Party contend that no individual may be prosecuted until there is in effect a final order of the Subversive Activities Control Board requiring him to register. I should think the argument of the Government would be that the conditions precedent to the operation of section 15(a)(2) would be at least disjunctive so that an individual required to register may be prosecuted either "if there is in effect with respect to any organization" or "if there is in effect with respect to any individual" a "final order of the Board requiring registration under section 7 or section 8." The Government would, I think, point out that neither section 7(h) nor section 8 requires a citation of the individual member by the Board before the duty to register devolves upon him. The duty of the individual is related solely to the time elapsed after a Board order requiring the party to register has become final.

The Government would be on firm ground, I believe, in contending that section 13 of the 1950 act gives the Attorney General an alternative forum to a criminal action brought under the provisions of section 15 and 15(c):

> Any individual who violates any provision of section 5, 6, or 10 of this title shall, upon conviction thereof, be punished * * *.

I think that the expressions of the Congress that we face "a clear and present danger to the security of the United States" are lucid indeed. But if the language as to enforcement is not as clear as it should be, why, I inquire, did we have to wait literally years before concluding contrariwise, that the procedures are "laborious," to the extent the whole internal security program is bogged down with endless delays.

I believe the whole program calls for security as to direction.

Mr. HRUSKA. Mr. President, will the distinguished Senator from Texas yield for a question?

Mr. TOWER. I yield to the distinguished Senator from Nebraska for a question.

Mr. HRUSKA. The Senator from Texas has stated that for years there has been more or less dragging of feet, in effect, on prosecutions under the McCarran Act. Is it not true that a 1961 decision of the Supreme Court cleared away much of the underbrush, consisting of many of the purported objections to taking more vigorous action, but that notwithstanding that fact there has still been a notable reluctance, apparently, to step forward vigorously to follow up the advantage given by the Supreme Court decision in this particular regard?

Mr. TOWER. That is true. I thank the distinguished Senator from Nebraska for emphasizing that point. Certainly prior to the decision upholding the constitutionality of this act, I am sure the Federal Bureau of Investigation had been hard at work. I know the Bureau has been gathering evidence and doing the background work necessary to make possible effective prosecution immediately following the decision on constitutionality.

Mr. HRUSKA. Yet is it not true that for weeks—in fact, for months—following that Supreme Court decision, although there had been ample background and ample legal reason to proceed forthwith in the matter of further prosecution, the Department of Justice nevertheless took an exceedingly long time even to make up its mind that anything additional could not or should be done?

Mr. TOWER. That is true. I am very much at a loss to understand why this delay has occurred. I think it is high time that this situation was brought to the attention of Congress and that national attention was focused on what has happened. It is my hope that the foot dragging will end and that some resolute action will be taken in the near future.

Mr. HRUSKA. I thank the Senator from Texas for the forthright answers he has given to the questions asked by the Senator from Nebraska.

Mr. TOWER. I thank the distinguished Senator from Nebraska.

THE ALEXANDER HAMILTON NATIONAL MONUMENT — AMENDMENT TO THE CONSTITUTION DEALING WITH POLL TAXES

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] to proceed to the consideration of the joint resolution (S.J. Res. 29) providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument.

Mr. MANSFIELD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana that the Senate proceed to the consideration of Senate Joint Resolution 29 providing for the establishment of the former dwelling house of Alexander Hamilton as a national monument.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending motion.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the joint resolution (S.J. Res. 29) providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. TOWER (when his name was called). I announce that I have a pair with the Senator from New York [Mr.

JAVITS]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Colorado [Mr. CARROLL], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Hawaii [Mr. LONG], and the Senator from Rhode Island [Mr. PELL] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Colorado [Mr. CARROLL], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. HUMPHREY] the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Hawaii [Mr. LONG], the Senator from Rhode Island [Mr. PELL], and the Senator from New Mexico [Mr. CHAVEZ] would each vote "aye."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Kentucky [Mr. MORTON], the Senator from South Dakota [Mr. MUNDT], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

The Senator from South Dakota [Mr. CASE] and the Senator from Pennsylvania [Mr. SCOTT] are absent because of illness.

The Senator from New York [Mr. JAVITS] is absent on official business, and his pair has been previously announced.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Indiana [Mr. CAPEHART], the Senator from Maryland [Mr. BUTLER], the Senator from South Dakota [Mr. MUNDT], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

The result was announced—yeas, 62, nays 15, as follows:

[No. 29 Leg.]

YEAS—62

Aiken	Clark	Hartke
Allott	Cooper	Hickenlooper
Anderson	Cotton	Holland
Beall	Curtis	Hruska
Bible	Dirksen	Jackson
Boggs	Dodd	Jordan
Burdick	Douglas	Keating
Bush	Dworshak	Kefauver
Byrd, W. Va.	Engle	Kerr
Cannon	Fong	Kuchel
Carlson	Goldwater	Lausche
Case, N.J.	Gruening	Long, La.
Church	Hart	Magnuson
Mansfield	Murphy	Smith, Mass.
McGee	Muskie	Smith, Maine
McNamara	Neuberger	Wiley
Metcalf	Pearson	Williams, N.J.
Miller	Prouty	Williams, Del.
Monroney	Proxmire	Yarborough
Morse	Randolph	Young, Ohio
Moss	Saltonstall	

NAYS—15

Byrd, Va.	Hickey	Russell
Eastland	Hill	Sparkman
Ellender	Johnston	Stennis
Ervin	McClellan	Talmadge
Fulbright	Robertson	Thurmond

NOT VOTING—23

Bartlett	Hayden	Pastore
Bennett	Humphrey	Pell
Butler	Javits	Scott
Capehart	Long, Mo.	Smathers
Carroll	Long, Hawaii	Symington
Case, S. Dak.	McCarthy	Tower
Chavez	Morton	Young, N. Dak.
Gore	Mundt	

So the motion of Mr. MANSFIELD was agreed to; and the Senate proceeded to consider the joint resolution (S.J. Res. 29) providing for the establishment of the former dwelling house of Alexander Hamilton as a national monument, which has been reported from the Committee on Interior and Insular Affairs, with amendments on page 2, line 7, after the word "national", to strike out "monument" and insert "memorial"; at the beginning of line 8, after the amendment just above stated, to insert "However, the Secretary shall not establish the national memorial until he has satisfied himself that the lands which have been donated are sufficient to assure the relocation of the Grange and administration and interpretation of the national memorial."; in line 13, after the word "national", to strike out "monument" and insert "memorial"; in line 16, after the word "National", to strike out "Monument" and insert "Memorial", and in line 21, after the word "such", to strike out "monument" and insert "memorial"; so as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to take such action as may be necessary to provide for the establishment of the former dwelling house of Alexander Hamilton (commonly known as The Grange), situated in New York, New York, as a national memorial. However, the Secretary shall not establish the national memorial until he has satisfied himself that the lands which have been donated are sufficient to assure the relocation of The Grange and administration and interpretation of the national memorial.

SEC. 2. (a) The national memorial established by the Secretary of the Interior pursuant to this joint resolution shall be designated as the Hamilton Grange National Memorial and shall be set aside as a public national memorial to commemorate the historic role played by Alexander Hamilton in the establishment of this Nation.

(b) The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop such memorial, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, as amended and supplemented, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935, as amended.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

THE PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. Is the moment appropriate for me to offer an amendment in the nature of a substitute for the joint resolution now pending?

The PRESIDING OFFICER. Under the rules and the precedents of the Senate, perfecting amendments to a bill or a joint resolution have precedence over a substitute therefor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments to the joint resolution be agreed to en bloc.

Mr. RUSSELL. Just a moment, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. RUSSELL. Mr. President, is it the Alexander Hamilton joint resolution that is slated for early execution that is sought to be amended?

The PRESIDING OFFICER. The Senator is correct.

Without objection, the committee amendments are agreed to en bloc.

Mr. HOLLAND. Mr. President, for myself and the distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], and the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], I send to the desk an amendment in the nature of a substitute for the pending measure.

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk read as follows:

Strike all after the resolving clause, as amended, and insert in lieu thereof the following:

"That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE —

" 'SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.'"

Amend the title so as to read: "Joint resolution proposing an amendment to the Constitution of the United States, relating to the qualifications of electors."

Mr. MANSFIELD obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. RUSSELL. Mr. President, I desire to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Am I correct in the assumption that a point of order against the amendment may be made at any time prior to the adoption of an amendment in the nature of a substitute?

The PRESIDING OFFICER. The Senator is correct.

Mr. RUSSELL. I merely wish to protect my rights.

Mr. MANSFIELD. Mr. President, for the information of the Senate, I wish to make a few announcements.

ORDER FOR RECESS UNTIL 12 O'CLOCK NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate recesses tonight, it recess until 12 o'clock noon tomorrow instead of the hour of 9 o'clock previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. MANSFIELD. Mr. President, I believe that Senators who have been questioning the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] and me relative to committee meetings now understand that, at least until the Senate convenes tomorrow, they can proceed to hold regular committee meetings.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Florida [Mr. HOLLAND], the author and chief sponsor of the proposal now before the Senate, does not intend to speak tonight on the proposal, but will do so tomorrow after the Senate convenes.

It is my understanding that at an appropriate time the distinguished senior Senator from Georgia [Mr. RUSSELL] will make a point of order against the proposal now before the Senate.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. RUSSELL. I intend to make a point of order. I do not know what the Senator has in mind to do this evening, but at the appropriate time I intend to make the point of order.

Mr. MANSFIELD. Mr. President, after consultation with the distinguished minority leader, it is the intention of the leadership to move, if there is no further business to come before the Senate tonight, that it stand in——

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. KEATING. Mr. President, will the Senator yield?

Mr. SPARKMAN. I merely wish to ask a question.

Mr. MANSFIELD. I yield.

Mr. SPARKMAN. Will there be a morning hour tomorrow?

Mr. MANSFIELD. No.

THE ALEXANDER HAMILTON NATIONAL MONUMENT — AMENDMENT TO THE CONSTITUTION DEALING WITH POLL TAXES

The Senate resumed the consideration of the joint resolution (S.J. Res. 29) providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument.

Mr. DOUGLAS. May I address an inquiry to the Senator from Florida?

Mr. MANSFIELD. I yield for that purpose.

Mr. KEATING. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DOUGLAS. Mr. President, I have in my hand the new amendment of the Senator from Florida. In order that the situation may be clarified, may I inquire of the Senator from Florida if the new amendment strikes what was the former section 2 of his proposal?

Mr. HOLLAND. Mr. President, in response to the question of the distinguished Senator from Illinois, what he has said is correct. There are two other minor changes of which I think the Senate should be apprised.

First, the direct election, if any, of President and Vice President would be covered by the amendment in its present form, though the original form covered only the electors for President and Vice President.

Mr. DOUGLAS. The Senator is correct.

Mr. HOLLAND. Second, since section 2 is eliminated, the requirement relative to a property qualification is also eliminated, because section 2 related only to that provision. May I say to the distinguished Senator from Illinois and to the Senate that all of the more important objectives in the original amendment are preserved:

First, the imposition of a poll tax as a condition for voting for Federal elective officials would be prohibited.

Second, the imposition of any substitute tax in lieu of a poll tax would likewise be prohibited.

Third, the amendment would apply not only to the States, but to the Congress, which is a principal objective of the amendment.

Fourth, I have made these changes in pursuance of a request from the distinguished majority leader, who felt that the issue could be simplified in that way without losing any of its vital components, and I have been very glad to accept that suggestion.

Lastly, I have offered the amendment with the joinder of the two distinguished leaders, at their specific request, so that it might be apparent that each of them is strongly supporting the amendment in the simplified form.

Under no circumstances do I wish to strike out the joint sponsorship of any of the other 65 Senators who joined in the original amendment.

The Department of Justice has supported this position. Likewise, the distinguished chairman of the Judiciary Committee in the other body has supported that position. I think we have simplified the issue and are proposing now an amendment which, by all means, should be submitted to the States, and which I think would be very promptly ratified by the States.

Mr. DOUGLAS. Mr. President, I have prepared substantially identical amendments, and I am very glad that we have heard an illustration of either conscious or unconscious parallelism.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. Men of the same age must be pointed in the same direction in this matter, for whereas the distinguished Senator is celebrating—if one celebrates at the age of 70—his birthday today, I expect to celebrate that same birthday before very long. So it must be that men of about the same age have their minds opened in the same direction on this question.

Mr. DOUGLAS. Mr. President, whether it is in the germ plasma or not, I had intended to offer the same amendments to Senator HOLLAND'S original proposal. What I have said does not remove my fundamental objection to the constitutional amendment process. I think it would be much better if we should proceed by way of statutory legislation. But some of my fears are removed by this new proposal. I am very glad the Senator from Florida agrees that some problems were inherent in the original draft of the amendment.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. May I make one additional comment? I have felt that the disposition of the majority leader to recess at this time was appropriate for many reasons, but particularly because the distinguished senior Senator from New York [Mr. JAVITS], who with other Senators has an amendment which, as I understand the rules, would have to be passed upon before my amendment in the nature of a substitute, is not here today and I felt that we should make sure that he has time to arrive here so that he can handle his proposed amendment, with which I believe all Senators are acquainted.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. MANSFIELD. There was a fifth point that I forgot to mention earlier this evening. So far as I am concerned, I intend to move to table any and all amendments to the pending proposal,

because I want to see something tangible done. I do not want to see the present resolution confused to such an extent that it could possibly meet failure in the other body or in the Senate. Therefore I serve notice of my intention.

Mr. DOUGLAS. Mr. President, I yield the floor.

Mr. MILLER Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. Certainly.

Mr. MILLER. I wonder if the majority leader would modify his intention in the event the proponent of the resolution would be willing to accept such an amendment.

Mr. MANSFIELD. I believe that even to that extent I would object.

Mr. HOLLAND. Mr. President, if I understand the suggestion of the Senator from Iowa, I wish to say again that I have no objection to any of the earlier cosponsors joining me as cosponsors of the proposed amendment. I do not believe the distinguished majority leader intended to voice any such objection.

Mr. MANSFIELD. The question was——

Mr. MILLER. I should like to make my question clear. In the event that the sponsors—and certainly the main sponsor of the amendment—were to consent to a proposed amendment, I should like to ask the distinguished majority leader whether he would persist in his position of proposing to table such an amendment.

Mr. MANSFIELD. If the Senator will yield to me, I say that in that respect I would keep an open mind. I want the joint resolution passed. I want it passed by the Senate and by the other body also.

Mr. KEATING. Mr. President, I wish to express appreciation on behalf of my colleague [Mr. JAVITS] to the Senator from Florida for the consideration which he has shown, because my colleague is unavoidably absent on official business today.

I also wish to express my gratification over the fine rapport which seems to have been reached by both of the Senate's 70-year-olds. I congratulate both of them. They are valued members of the Senate. We are very fond of both of these septuagenarians.

I should like to propound a parliamentary inquiry to the Chair. Will it be in order to offer as an amendment in the nature of a substitute for the pending resolution a proposal to get rid of the poll tax by legislation, rather than by a constitutional amendment?

The PRESIDING OFFICER. It would be in order.

Mr. KEATING. I thank the Chair.

ARCHBISHOP LEO BINZ

Mr. MILLER. Mr. President, on December 20 last, announcement was made that the Most Reverend Leo Binz, archbishop of Dubuque and metropolitan of the Ecclesiastical Province of Iowa, had been transferred by Pope John XXIII to become archbishop of St. Paul, Minn.

This is the first time in 124 years that an ordinary of Dubuque has been transferred to another diocese, and for the third time in 111 years that Iowa has supplied St. Paul with a bishop.

Archbishop Binz has been a dynamic and progressive leader of the Catholic Church, not only in the archdiocese of Dubuque and in the State of Iowa, but also in the United States.

A native of Stockton, Ill., he served as secretary of the apostolic delegation in Washington. He was consecrated a bishop in 1942, and was transferred to Dubuque in 1949. It was my privilege to become acquainted with Archbishop Binz while he was stationed in Dubuque. I found him possessed of broad knowledge of the problems of the people of my State and wonderfully tolerant and understanding—all hallmarks of a great man and a great church leader.

In the December 21, 1961, issue of the Witness, the lead editorial sets forth some tributes and a very brief résumé of some of the outstanding accomplishments of Archbishop Binz. I ask unanimous consent that the editorial be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ARCHBISHOP LEO BINZ

For the first time in 124 years an ordinary of Dubuque has been transferred to another diocese. And for the third time in 111 years Iowa has supplied St. Paul with a bishop.

These were the thoughts that came to mind when word was received from Washington that the Most Reverend Leo Binz, archbishop of Dubuque, had been transferred to the metropolitan see of St. Paul.

In the year 1850 when St. Paul was cut off from the see of Dubuque, the vicar general of the Iowa diocese, the Reverend Joseph Cretin, was named first bishop of St. Paul. Sixty-one years later St. Paul returned the favor in the person of Archbishop James J. Keane who ruled the see of Dubuque from 1911 until his death in 1929.

After the death of the great Archbishop Ireland in 1918 the diocese of Des Moines supplied St. Paul with its second archbishop, the Most Reverend Austin Dowling. Iowa has been more than generous with its daughter see of St. Paul.

When Archbishop Binz takes up his duties in St. Paul he will be returning to a State where he first began his episcopal labors. Minnesota is no stranger to the Iowa archbishop. He was bishop in Winona from 1942 until his transfer to Dubuque in 1949.

The new Minnesota archbishop is a native midwesterner. He has lived here most of his life. He knows the people, the religious spirit of the community and the fervor of the faith. Because he himself has been a part of it, he has been able to understand the needs of the people and provide sufficiently for them.

We are not able at this time to adequately recount the great contributions Archbishop Binz has made, not only to the church in America in general but more specifically to the church in Iowa, particularly the archdiocese of Dubuque.

When he came to us in 1950 he was already well known especially among the clergy. He had attended Loras Academy and Loras College. Being a native of Stockton in Illinois, not far from Dubuque, he had visited this area many times. He himself tells the story of how as a young lad, in the company of his father, he met the archbishop of Dubuque and chatted with him on the street, little thinking at that time that Providence would cast him in the role someday as archbishop of the venerable see of Dubuque.

After he became a bishop in 1942 the future ordinary of Dubuque visited the eastern Iowa archdiocese many times. Archbishop Rohlman, whom he was to succeed, was a friend of long standing. When a student at the college he frequently served mass for Father Rohlman. And it was in Bishop Rohlman's home in Davenport that the future archbishop received his appointment as a secretary in the apostolic delegation in Washington in 1936.

The new archbishop of St. Paul achieved many distinctions in the archdiocese of Dubuque. He was the first Dubuque prelate to be elected head of the National Catholic Educators Association and he was the first archbishop of Dubuque to be a member of the administrative board of the National Catholic Welfare Conference.

One of his first acts upon arriving in Dubuque in January of 1950 was to personally visit every parish and institution of this area. This was no easy task, but the young archbishop wanted to identify himself with every aspect of Catholic life in the 30 counties of this archdiocese where he had been appointed to serve.

Almost from the very moment of his arrival he became involved in the intricate workings of archdiocesan administration. No parish, no organization, no institution escaped his interest. The clergy, religious, and faithful found in their new archbishop a man of unlimited zeal, a tireless worker, a genuine shepherd.

How can anyone forget the loving solicitude he had for Archbishop Rohlman? In those days when the archbishop of Dubuque was meeting bravely the infirmities of old age, his coadjutor provided every comfort for him. It was a wonderful example.

The archdiocese of Dubuque is a tidy diocese. It is well organized. Priests appointed by the archbishop knew that their responsibility was well defined and in the operation of their work they have every confidence of the support of their archbishop which made their labors that much easier.

In 1957 the archbishop convoked a synod. It is a model of practicality. It embodies the talent, the experience, and wisdom of the archbishop's many years of service to the church.

Archbishop Binz has done numerous things for the clergy, religious, and laity of this archdiocese. At a later date we will chronicle his nearly 12 years amongst us in a special tribute to his administration. But one thing we can say without peradventure of doubt and that is that Archbishop Binz has given us a worldwide vision of the Catholic Church which we previously didn't possess. He has given us new vision, new insight, into the wonders of the Catholic faith. He has transmitted to us an appreciation of the great glories that constitute the church of God.

It must be remarked also that the archdiocesan school system has had unparalleled growth in the past decade. The work of our central Catholic schools surely is a lasting tribute to his work among us.

It would be a mistake to list brick and mortar contributions made by the archbishop, or any other prelate, without giving due deference to the very essential work of building up the spiritual kingdom which is the first claim on any servant of God.

The American Martyrs Retreat House in Cedar Falls spells out the archbishop's determination to provide the basic things of the spiritual life. And from the very first moment of his accession to the see of Dubuque he proclaimed a eucharistic year and told his flock, "to increase their efforts to model their individual lives after the divine pattern of Christ, Our Lord."

With the things that counted the archbishop spent himself unselfishly. Many

times during the past years there were well-founded feelings that his talents would carry him to new fields of labor. Those feelings have now been confirmed in his translation to the daughters see of Dubuque, St. Paul.

We who have worked closely with him over these thrice-blessed years appreciate how tolerant he has been of our struggling efforts; tolerant also of our mistakes and wayward hearts.

The people of St. Paul will find in their new archbishop a worthy successor to the greats of that noble section of the vineyard. The date of his episcopal consecration is the same as the powerful and unforgettable Archbishop John Ireland. He knew Archbishop Austin Dowling and worked hand in hand with his successor in the province of St. Paul, Archbishop John Gregory Murray.

The late archbishop of St. Paul, the Most Reverend William O. Brady, was a classmate of the new metropolitan.

Archbishop Binz will be faced with many new challenges. He will meet them straight forward as he has met many in the past. He will not shirk service or dodge duty.

The prayers, many prayers, of a loyal Dubuque clergy, religious and laity will follow him in his new archdiocese. The memory of his years with us will not easily fade and generations will hold his name in benediction.

Ad multos annos.

FLOOD RELIEF

Mr. WILLIAMS of New Jersey. Mr. President, I introduce, for appropriate reference, a bill directing the Housing and Home Finance Agency to undertake an immediate study of alternative methods of establishing a workable program to provide relief against flood disasters. The bill calls for a report to Congress no later than January 30, 1963, with recommendations for such a program and its estimated cost. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, the first question that this bill raises is: What is its purpose? We all know that in 1956 the Congress passed a Federal flood insurance program, providing an insurance, reinsurance and loan program to compensate persons against losses by flood. Theoretically this program needs only technical updating and the appropriation of funds to put it into effective operation. But the House of Representatives in 1957 refused by a vote of 218 to 186 to appropriate any funds to implement the program and since then the program has been a dead letter.

The savage storm that recently struck the Atlantic coast has revived interest in this program. It is my belief that this bill will provide the best means of finding out whether a genuinely workable program can be established, what form it should take, and what its probable costs would be. And in view of the substantial opposition to the existing flood insurance program, it is my belief that legislation calling for this kind of broad-scaled study offers the best hope for allowing positive and constructive action to be taken in the reasonably near future. What is required immediately is a modest appropriation for the expenses to carry out such a study.

Mr. President, I would like briefly to outline my position on this matter and discuss some of the problems involved.

First, I strongly believe the Federal Government has an obligation to share at least part of the financial burden in sharing reasonable risks against flood disasters.

The reason is simply that insurance against flood damage is unlike almost any other kind of insurance program. For example, a fire or automobile insurance program can be achieved, because every homeowner and every automobile driver is subject to the possibility of a fire or automobile accident, and therefore, each homeowner or automobile driver generally has an equal interest in seeking protection against such loss. Statistically we know that only a certain percentage of homeowners and a certain percentage of drivers will actually suffer such a loss. So the risk can be spread over a broad base, and an insurance program can be devised that is sound and within the financial range of most persons.

But in the case of floods, the situation is entirely different. Floods do not pose an equal threat to every person in every part of the country. They only threaten certain coastal areas and river basins, and based on the history of past experience, the probability of flooding within the vulnerable areas is much greater, for example, along some rivers and coastal areas than others.

Thus any insurance program is likely to be heavily weighted with policies taken out by persons most vulnerable to flooding, either because of location or the structure of the property. The persons most interested in a flood insurance program will be those living at the water's edge, so to speak. Those living on high ground, sufficiently inland from the coast, or in structurally sound dwellings on pilings will have little or no interest in the program at all.

It is for precisely this reason that some kind of Federal assistance is essential, in order to spread the risk, as the risk is naturally spread in insurance programs for most other kinds of losses.

The problem is how to find an equitable balance between the interests of the general taxpayer who would not be a possible beneficiary and the needs of those who might be struck by the tragedy of a flood disaster that exceeds or wipes out their financial resources.

In this connection, I can understand the concern of some Members of Congress who fear that the general taxpayer may suffer too great an imposition by being called upon to share what clearly may be too excessive a risk by a person who may wish to build, from the standpoint of floods, a structurally unsound building in an area where Nature clearly intended that man should not trespass.

It has been argued that there is a point beyond which we must say either you do not build at your own risk.

The problem is to delineate that point to the satisfaction of Congress as a whole, for as I said before, up to that point I believe the Government can and should be prepared to help.

That is why I believe a new and fresh approach to the problem is needed. The study called for in this bill will permit a reevaluation of the existing program as well as the exploration of new approaches. When the study has been completed, Congress will be in a position to act in fuller knowledge of the probable costs and benefits of the various alternatives that are possible.

For example, the administration might consider the possibility of a variable risk premium insurance program, based on the Corps of Engineers, Geological Survey and other studies of flood frequency and extent of probable damage to different types of structures at different flood levels. I understand that such studies have already been undertaken in a few limited areas of the country. Such studies could be expanded to other flood-prone areas of the country to give the kind of detailed information that would permit an insurance program based on premiums scaled to the probable risks involved.

Going a little further with these studies, the administration could study the possibility of an insurance program which would exclude excessive risk areas for insurance purposes so that persons wishing to build in such areas would do so at their own financial risk. Or perhaps it would be feasible to reduce the Federal subsidy in such areas, or scale the subsidies to inverse proportion to the premium cost.

It might be feasible and appropriate to initiate the present insurance program on a pilot basis to allow for the accumulation of some actual experience to determine the workability of a permanent program.

Or it might be that the study will determine that instead of an insurance program, an entirely new form of relief assistance of specified form and amount should be established to cope with the flood disasters. No doubt there are other avenues which might be profitably explored.

Mr. President, I earnestly hope the Senate will give this bill its prompt and sympathetic consideration so that we can get underway as soon as possible in tackling this admittedly serious and complex problem.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3066) to authorize a study of methods of helping to provide financial assistance to victims of future flood disasters, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Housing and Home Finance Administrator shall undertake an immediate study of alternative programs which could be established to help provide financial assistance to those suffering property losses in flood disasters, including alternative methods of Federal flood insurance, as well as the existing flood insurance program, and shall report his findings and recommendations to the President for submission to the Congress not later than January 30, 1963. The report shall include, among other things, an indication of the feasibility of each program studied, an estimate of its cost to the Federal Government and to property owners on the basis

of reasonable assumptions, and the legal authority for State financial participation. With respect to each method of flood insurance considered, the report shall include an indication of the schedule of estimated rates adequate to pay all claims for probable losses over a reasonable period of years, the feasibility of Federal flood plain zoning for the purpose of selecting areas which may be excluded from insurance coverage, and the feasibility of initiating a flood insurance program on an experimental basis in designated pilot areas. There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

WHY WRECK GOOD AIR SERVICE AND VIRTUALLY ALASKA'S ONLY TRANSPORTATION WITH THE OTHER STATES?

Mr. GRUENING. Mr. President, the Civil Aeronautics Board has announced an order investigating the Pacific Northwest-Alaska Air Service. But it has already made clear its purpose to force, by consolidation and curtailment, elimination of one of Alaska-States principal carriers, Pan American World Airways, to limit Northwest Orient Airlines' service to Alaska to a mere stop-off privilege incidental to Northwest's Orient service, and to force the consolidation of the two other Alaska-States carriers, Pacific Northern Airlines and Alaska Airlines. I denounced this proposal on the floor of the Senate Thursday last as folly.

As I pointed out then—Alaska has, for reasons reaching back into our history, negligible highway transportation. This is due to the complete exclusion, for 40 years—from 1916 to 1956—of Alaska from all Federal aid highway legislation. In consequence, only a few of Alaska's communities are served by highways. The Alaska Highway, built as a war measure through Canada in 1942 and then turned over to the Canadians, is still unpaved and connects only the few Alaskan cities which are connected with each other with the 48 States.

As a consequence of the words "excluding Alaska" written into the Merchant Marine Act of 1920—known in Alaska as the Jones Act—Alaska has been subject to a Seattle steamship monopoly which has fastened upon us the highest steamship rates in the world and has managed steadily to increase them over the unceasing protests of Alaskans. Its passenger service was suspended 8 years ago.

Alaska has one railway—a short line extending from the part of Seward, 470 miles northward to Anchorage and Fairbanks.

In short, Alaska has either negligible or no railway, highway, or maritime service with the other States—vital arteries of transportation which other parts of the Union enjoy.

In default of these, Alaskans and others have managed, in the face of great obstacles, only recently, and at long last, to build up first-rate air service between the 49th and the other States.

The CAB now proposes to wreck it, and to substitute for competition of four excellent carriers a monopoly brought about by compulsion. It proposes to eliminate wholly Pan American World Airways—which was the pioneer in developing not only intra-Alaskan aviation, but the first to connect Alaska and the 48 States, and which is moreover an unsubsidized carrier. It proposes to make Northwest service to Alaska a mere incident in its foreign service. Northwest is likewise an unsubsidized carrier. It proposes to consolidate Alaska Airlines and Pacific Northern by means of a shotgun marriage. All four have been rendering excellent service.

Why wreck virtually the only transportation which links Alaska to the rest of the Union? That is what the CAB proposal would achieve. It is a shocking and thoroughly misguided purpose.

The proposal has not unnaturally evoked indignation and alarm in Alaska. The Alaska Legislature, now in session, promptly took notice of it and sent a telegram of protest to Chairman Alan S. Boyd, of the CAB.

I ask unanimous consent that this telegram be printed at this point in my remarks.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MARCH 23, 1962.

ALAN S. BOYD,
Chairman, Civil Aeronautics Board, Universal Building, Washington, D.C.:

The Legislature of the State of Alaska most vehemently protests the March 19 CAB order recommending reduced and monopolistic air carrier service to and from Alaska. The recommendation is a disservice to the people of Alaska and the carriers who have pioneered and expanded their service to and in Alaska. Alaska needs more and improved service for its development and bitter experience has demonstrated that we cannot get it by encouraging and creating transportation monopolies. We request that full scale hearings on the order be held in Alaska to better acquaint Board members and staff with the realities of our air transportation situation and needs.

FRANK PERATROVICH,
President of the Senate.
WARREN A. TAYLOR,
Speaker of the House.

IMMIGRATION QUOTA SYSTEM

Mr. McNAMARA. Mr. President, a few days ago my colleague from Michigan [Mr. HART], introduced a bill to effect some much needed improvements in the immigration quota system. His bill, of which I am pleased to be a cosponsor, was praised in an editorial entitled "Immigration Policy," published in today's Washington Post. The Post called the Hart bill a "reasonable and realistic proposal."

Mr. President, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IMMIGRATION POLICY

Although the Democratic and Republican platforms of 1960 alike denounced the existing immigration law and promised a radical revision and renovation, nothing has yet been done about it. Perhaps nothing much is likely to be done so long as Representative FRANCIS WALTER governs the Judiciary Subcommittee on Immigration of the House. Nevertheless, a small cheer is due Senator PHILIP A. HART for introducing the other day, with bipartisan cosponsorship, a reasonable and realistic proposal for revising the immigration quota system.

The object of Senator HART's bill is to eliminate national and racial discrimination from American immigration statutes. The so-called national origins quota system has dominated the country's immigration policy since the act of 1924. It has been a mask for racial prejudice. The act of 1952 somewhat modified but by no means eliminated this prejudice. The generous, enlightened and enriching record of the United States in admitting refugees over the past decade has been achieved despite the act of 1952 by a series of special laws breaching its restrictions.

"The present national origins quota system has not worked," Senator HART said in introducing his new bill. "Congress has periodically recognized its shortcomings and has repeatedly enacted special, short-term immigration and refugee legislation." The plain fact of the matter is that the Immigration Act has been honored more in the breach than in the observance. As Senator HART pointed out, "Of the 1.5 million quota immigrants authorized during the 1950's, only a million actually entered the United States. However, 1.5 million nonquota immigrants were admitted during the same period. In short, out of a total immigration of 2.5 million, three out of five persons were admitted outside the quota provisions of the Immigration and Naturalization Act of 1952."

The Hart proposal would authorize 250,000 quota visas a year, 50,000 of which would be available to refugees or escapees without regard to quota areas. The rest would be allocated to countries in part on the basis of the ratio of their populations to world population and in part on the basis of the ratio of their immigration to this country over the past 15 years to the total of all immigration to the United States over the same period. Unused quota numbers would be pooled at the end of the year and divided among quota areas having a backlog of applicants. Special provision would be made for admitting blood relatives; and quotas would be revised every 5 years.

This bill would not open the gates of the United States to a flood of immigrants. Neither would it be unselective in admitting newcomers to this land. But its limits on immigration would be reasonable—and reasonably generous in conformity with the great American tradition of extending asylum and opportunity to the world. And its selection would be free from injustice and free from offense to those races and peoples who have been wantonly designated under existing law as less desirable members of the human family. This reform of immigration policy is sorely needed.

THE PEACE CORPS AS IT LOOKS FROM THAILAND

Mr. HART. Mr. President, one of the shining accomplishments of the Kennedy administration has been the establishment of the corps of dedicated men and women known as the Peace Corps. We in Michigan are proud that this idea was launched in Michigan during the 1960 campaign. More recently, our State was host to a group of Peace Corps volunteers who took their training at the University of Michigan.

Late in January this particular group arrived in Thailand and received very favorable comment in the local press. Two editorials in particular put the idea of the Peace Corps and its purpose very well; they also show how the "Ugly

American" can turn into a welcome friend in these proud countries.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial from Phim Thai and an editorial from Siam Nikorn, both Bangkok newspapers.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Phim Thai, Jan. 21, 1962]

American Peace Corps: Volunteers of an American Peace Corps unit are scheduled to arrive in Bangkok today. This unit is a work unit that will start a new alinement of American aid to Thailand, and it is expected that results obtained will be excellent.

This is a result of changes made in the method of implementing foreign aid by the United States under the leadership of President John F. Kennedy. The methods used in the past for giving American aid to free Asian countries have not obtained results in full as intended by the donor, at times resulting in an undesirable reaction on the part of the people of recipient countries toward the United States. This is due to the United States still lacking sufficient understanding of this part of the world. Consequently new methods have been planned to give aid to less developed countries in order to remedy this serious problem. One of the many new methods planned is the selection and training of young Americans, both men and women, who possess a high standard of education, and these young Americans are being sent to help other countries, while at the same time giving them the opportunity to study the daily life, feelings, and conditions of less developed nations. This is a policy of shooting a number of birds at a time—giving aid and endeavoring to "reach" the people of the countries aided simultaneously. In the very near future, this will help the American people have a correct understanding of peoples in other parts of the world, thus enabling the United States to avoid mistakes in the implementation of its foreign policy and its target to promote peace. President Kennedy announced his plan to establish this Peace Corps to the American people a few days before the holding of the presidential election toward the end of 1960.

This new plan may sound rather ambitious. At first the American people and even the Democratic Party itself felt doubts about the advisability of sending young Americans, who lack experience in life and in work, to aid foreign countries. Countries sounded whether they would accept aid in the form of Peace Corps units also seem rather uncertain whether this new plan will obtain results hoped for. That is why this first American Peace Corps unit sent to Thailand is a very small one, and it will be an experiment first. It is reported that only a very small number of volunteers have been requested, though we need a very big number of foreign teachers to teach all subjects in the English language, especially in preuniversity classes which are being set up in every province throughout the country at present, to prevent children being sent to Bangkok to continue their studies. After volunteers of the American Peace Corps unit for Thailand had completed their course of training, it was reported that our Physical Education Department is now asking for about 30 of the volunteers to be sent to the provinces to help teach sports.

This work of volunteers of the American Peace Corps unit is a new alinement of work, in which they will mingle closely with ordinary Thai, both in Bangkok and in the provinces. This will be of greatest importance for promotion of peace among all peoples of the world indirectly. Though these young American volunteers have undergone a rigorous course of training in the United States, they still have much to learn in practical ways here.

[From the Siam Nikorn, Jan. 28, 1962]

To the Peace Corps unit: The arrival in Thailand of an American Peace Corps unit, composed of 45 volunteers, has caused great excitement to the Thai people. This is because there are many things the Thai people never expected to see in farangs, such as to hear them speaking Thai fluently, and to see them coming to live here like any ordinary Thai.

In the past, farangs coming to Thailand have been apt to keep apart from the Thai people, or else they have endeavored to indulge in and do things which ordinary Thais cannot do—such as driving long cars costing hundreds of thousands.

The luxurious and lavish way of living of farangs, seen by ordinary Thais, is responsible for farangs being kept quite apart from Thais automatically. It is only human nature for human beings not to want to see other human beings enjoying a better standard of living (perhaps because it gives them a kind of inferiority complex). Therefore, when they see farangs enjoying a luxurious and lavish standard of living, it causes a feeling of dislike for them in their subconscious mind, for no really logical reason.

The coming of this American Peace Corps unit is practical proof of the ideal that all human beings, irrespective of nationality and language, are all equal. It is also proof that no nation is better than any other nation, or that any race is better than other races. It is a characteristic of the Thai people, from ancient times, to want to make friends with peoples of other countries. This is proved by Thai history, dating back to the Sukhothai and Ayudhya eras, when we first made friends with Chinese, Indians, and farangs. It has been seen during the present Ratanakosindr era how Americans have come to our country, settled down here, and become really close and intimate friends of the Thai people. Some of them have also performed outstanding services to our country, such as Phya Kalyana Maitri (Francis B. Sayre).

The main objective of this Peace Corps unit to promote still closer ties between the American people and the Thai people is certain to achieve success. On the other hand, the task faced by this Peace Corps unit to create better understanding of the United States among all the Thai people is a heavy one. It means that to achieve results desired among all the Thai people they must not be in contact only with the handful of people they work with in administrative circles of the Thai Government.

It is a fact that Americans who came to work in Thailand in the past, were for the majority very similar to this Peace Corps unit. But they had not been sent by the American Government but had been sent by private organizations. Many of them, especially the missionaries, won the love and esteem of the Thai people. They established the Wanglang and Watthana Schools, and in former times there were very few Thais who did not know or had not heard of Mom Cole's School. And the main reasons why the Thai people really liked and esteemed Americans at the time were because everybody knew that Mom Cole's School was an excellent school, that it had good teachers, and the American teachers were on very intimate terms with the parents and guardians of the schoolchildren.

In conclusion, we wish the best of everything to the American Peace Corps unit and pray that it may carry out the task entrusted to it, obtaining results in full as expected.

FOREIGN TAX LOOPHOLES AND FOREIGN TAX HAVENS

Mr. DOUGLAS. Mr. President, Mr. Henry J. Taylor was formerly our Ambassador to Switzerland. He is now writing a column for the Scripps-Howard newspapers.

Some days ago Mr. Taylor published a very interesting column concerning foreign tax loopholes and foreign tax havens. He points out many of the abuses involved in our failure to tax subsidiaries of American firms abroad. From his personal knowledge of the tax havens in Switzerland and Lichtenstein, he points out great abuses which need to be cured.

This question is one which is sought to be solved, in part, in the tax bill which is now before the House.

I commend Mr. Taylor's article to Congress and the public, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FIELD DAY FOR RATS

(By Henry J. Taylor)

The Treasury is pushing against hard odds in presently trying to close tax loopholes abroad. But there's much glory due our tax officials for trying to collar hundreds of millions of dollars from smart operators who use Europe, etc., to evade taxes.

This excludes the many American companies operating so constructively and honestly overseas and whose investments abroad are greatly in the American interest. Most of these have objections—entirely honorable—to legislation the Treasury is asking, for the problem is complex and very difficult to translate into law without unfairly injuring them.

The Treasury and the proper companies alike do not want to burn down the barn to get at the rats; so the rats have a field day.

Here's how they play, although everything herein is an obvious oversimplification:

A tax haven is a nation where the rate of corporation profits is very low—compared to our 52 percent—or where a deal can be negotiated with local officials so that what the American owners pay is peanuts.

Let's choose at random, without disparagement, Liechtenstein—the small Germanic principality whose capital and only town is Vaduz (population 15,700). Several Americans form a California corporation to produce television films for the world market. Secretly, they also set up a Liechtenstein company. Under Liechtenstein laws our tax officials cannot see the books to determine who owns the dummy outfit.

The California corporation pays the production expenses. Then the film is sold at cost to the dummy. No profit, no tax for America, or merely a small payment as window dressing. The dummy reaps the profits, and on trips to Europe the American owners can live the life of Riley spending those profits themselves.

Again, an American corporation owning patents collects large royalties from foreign licensees. It transfers the patents to a holding company or other device in a tax-haven country and collects the royalties abroad—tax free. There is no way we can accurately determine what happens to the money later unless they bring it home.

An American manufacturing company—and all these references to particular companies are fictitious—will employ a couple of people to work in an office in a tax-haven

country. It sells its machines worldwide but bills them to the dummy office instead of to the customers. No profit. No tax to the United States. The office merely types a new bill and collects the profit abroad—tax free. This process can be honest. It can also be as dishonest as a Jesse James.

American operators (and even the criminal element) will form a complex of interlocking holding companies that include foreign participants and qualify under corporate secrecy laws abroad.

Profits are shuffled back and forth through the maze like deuces in a stacked deck while our powerless Treasury people stand in handcuffs and cannot collect the taxes for the United States.

The abuses cost us hundreds of millions of dollars a year.

CONDITIONS IN HAITI

Mr. DOUGLAS. Mr. President, the proper administration of our foreign aid programs is a vital concern for us all. Experience has shown that our military and economic aid programs have been a fundamental influence in building and preserving the strength of the free world.

But experience has also shown—most recently with respect to Cuba and the Dominican Republic—that the foreign aid choices we face in some of the so-called underdeveloped countries are difficult and even filled with dangerous consequences. We sometimes forget that the "underdevelopment" of these countries is not merely economic, but social and political, as well. The absence in some of these countries of the democratic institutions and consensus which we take for granted in our Nation often appears to leave us with the alternatives of either helping an undemocratic and authoritarian regime or of giving no aid and so leaving the country to probable Communist domination.

I believe the Kennedy administration has given sound indication that the Alliance for Progress, and the entire AID program, will take serious note of this problem and will attempt to make careful judgments about the effects of our military and economic aid in the countries where it is applied. I believe that Congress, too, should be willing to take greater care in this matter.

Therefore, I was very pleased to encounter, in a recent issue of that fine journal, Commonweal, a thoughtful examination of this problem as it applies to our aid program in Haiti. I am especially interested in this matter since 35 years ago I spent some time in Haiti when our troops occupied that country and there was a puppet government which nominally administered the country but which in practice we controlled. I am proud to have played some part in obtaining the withdrawal of our troops from that country. Conditions seem to be similar now except that it is the local government which seems to be dictating the policies. The question as to how we should use our power is important and I hope the article in question will be carefully considered.

Mr. President, I ask unanimous consent that the challenging article entitled "Our Choice in Haiti," written by Alida L. Carey, a former staff member of Newsweek and an author whose articles appear in many publications in the United States and abroad, published in the Commonweal of March 2, 1962, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR CHOICE IN HAITI: DUVALIER OR THE PEOPLE

(By Alida L. Carey)

In Port-au-Prince some weeks ago an experienced and relatively impartial foreign observer described the Haitian Government as a bunch of gangsters. President Francois Duvalier, he told me, "is like Al Capone—with only one important difference: The United States jailed Capone, whereas it's helping Duvalier."

Though the comparison may be inelegant, the opinion seems sound, and its significance is appalling. The Caribbean Negro Republic of Haiti, after 4 years of Duvalier dictatorship, now lies brutalized, close to bankrupt, and bereft of visible, able alternate leaders; meanwhile its government receives American arms with military training, plus millions of dollars in aid annually, with almost no strings. The weapons go to Duvalier's armed forces, which he uses as a combined army-police, primarily to control and tyrannize the populace. Part of the aid supports the national budget, which in turn supports Duvalier, who spends much of his funds in secrecy and in strengthening himself personally. The rest of the aid aims at economic development, but here too the Government can intervene, with inefficiency and dishonesty, allowing little positive result for the country. It is generally accepted in Washington, not to mention in Port-au-Prince, that withdrawal of such American assistance could topple Duvalier.

Assistance continues, however, with the United States serving to harm both Haiti and itself. "You are now an accomplice," one distinguished Haitian has asserted to me. "It's a choice of either-or: either you support the dictator, or you aid the people; you can't do both," he says.

Add up the elements, that we now sustain a dictator who is of no effective help to his own people or to us, and actually of increasing harm to both, and then ask why. Apparently, there is no good (i.e., self-interested) reason for this current U.S. policy, and there are several which must be deemed bad. None of the classic protests of "it's politically expedient" or "we need the military base" or "we must protect our investments" can be accurately applied.

There are reasons enough, though, for wanting to help Haiti as a whole. As the first free Negro state in modern times and the only one in our hemisphere, it is symbolic. As the nearest foreign neighbor to Castro's Cuba, only 40 miles away across the Windward Passage to the northwest, and a border sharer with the Dominican Republic to the east, it becomes significant. To call Haiti underdeveloped requires excruciating understatement: Population estimates count 3,500,000 people and squeeze them into an area about the size of Maryland, tighter even than in India; mountains smother about 80 percent of the land and illiteracy about 90 percent of the people; the economy, such as it is, yields a per capita annual income of some $70 and is based on the one crop of coffee, exports of which are roughly half what they were two centuries ago, when Haiti was a colony of France. Malnutrition (not to mention tuberculosis and malaria) is widespread. Roads resemble lines of bomb craters, and the one from Port-au-Prince, the capital, to Cap Haitien, the second largest city some hundred miles away, takes 6 hours to travel by car, up to 14 by public bus.

The whole trouble is, Duvalier contends, that U.S. aid is insufficient. "We need a massive injection of money to revive Haiti, and this injection can come only from our great, capable neighbor and friend, the United States," the President has said. As neighbor-friend, we might pause to examine what's become of our money so far.

Last year, a $350,000 program sent American light weapons and munitions to the Haitian Army, while a resident 50-man U.S. naval mission has been training the troops since early 1959. Though the arms may seem modest and the mission small, they serve Duvalier well by implying American approval of his regime and beefing up the 5,000 army-policemen to help impose that regime. Once Haitian Army officers, not the President, controlled the land—as in 1957 when Gen. Antonio Kébreau favored Duvalier, then a former country doctor and seeming innocent, for the Presidency and had a reported 1,200 objecting citizens machine-gunned in the streets during a single night. But soon, as President, Duvalier seized the army command in fact if not in name. Against his own constitution, he dissolved the bicameral legislature last April and decreed a vote for a new single chamber, 2 years early and nine men short. His candidates, often only one per district, were handpicked, then picked over, leaving finally such worthies as members of his Cabinet and his family.

Army troops stalked the capital's polling places on election day, April 30, 1961. Some of them guided the people brought into town from outlying areas in Government trucks to vote, while others reminded all Government employees that, though it was Sunday, they were ordered to work—and vote. Known anti-Duvalierists were held under arrest, out of harm's way. Simple citizens were rounded up, shivering with fear, and made to sign a paper which later turned out to be a government popular referendum. From Cap Haitien came word that army men with guns forced everyone emerging from church to go to the polls, whether they were men, women, children, or foreigners. All were handed the ballot of just one candidate and informed that the three others running had been jailed the night before. As a security measure, Army Maj. Jean Beauvoir delivered an expulsion order to the one foreign reporter come especially to cover the election, an American, as it happened, who had to depart without protest from his Embassy.

The election outcome surprised almost no one, except perhaps official Washington. Haiti had a new, unconstitutional legislature, though the real total vote was probably only 100,000 or less, and not the 1,320,748 which Duvalier claimed. Moreover, Haiti had an unconstitutional President, or rather Duvalier again, for a new and out-of-the-blue term of 6 years. Since his first term was to last until 1963, there was no legal reason for his running then. Since his constitution forbids presidential reelection, there was no legal chance of his running at all. He had not announced his candidacy and, of course, went unencumbered by either campaign issues or opponents. But the Duvalier name had appeared on every printed ballot, along with that of each legislative candidate, and a maximum one-tenth of the electorate had cast ballots.

What else has been done with U.S. money so far? An annual $6 million is presented to Haiti in budget support. Because budget figures remain generally a deep, dark, Duvalier secret, it is hard to estimate, but a probable 60 percent of all available funds goes to the military, official, and otherwise.

The army consumes some of this, while much of the rest feeds two other, more fearsome groups.

A presidential guard, numbering about 500 well-armed and well-trained troops, boasts no connection with the army and takes its orders solely from Duvalier. "Toto Macoute" (Creole for "Uncle Knapsack" or, loosely, "bogeyman"), shortened to "TTM," is what Haitians in hushed voices call the secret police, third and probably worst of the terror groups. Untrained and unrestrained, these may total 10,000 and are made up of wandering shoeshine boys, taxi drivers, restaurant waiters, and sundry ruffians, who by day spread out everywhere in civilian garb to spy and eavesdrop on the citizenry and to blackmail any they care to find displeasing. That some TTM get small salaries simply adds zeal to their blackmail demands. That others receive as much as a reported $3,600 yearly (a Haitian fortune) helps explain Duvalier's huge military budget.

At night, a TTM might don his olive-green uniform for more violent Duvalier missions—aided of course by periodic martial law and the state of siege in effect since May 1958 which permits searching of homes without warrant and jailing of anyone without trial. It was before dawn one night a year ago that TTM terrorists, with the army, broke in on Haiti's remaining Roman Catholic bishop, in bed, to seize and then help expel him from the country. Duvalier, himself a nominal Catholic and President of an officially Catholic state, has now ousted six important Catholic churchmen and suffered Vatican excommunication. To him, the clerics represent opposition to his native voodoo religion, thus his Haitian nationality, and his principally pure-black race. Finally, he views them as political meddlers who have, among other things, sided with Haiti University's Communist students.

Students naturally are considered meddlers, so they have received the TTM treatment, too. Last year, secret police grabbed, tortured, and imprisoned the National Student Union secretary. Eighteen high school boys were jailed, the university nationalized, free speech and assembly banned. When 1,000 fellow students (few, if any, actually Communist and several once Duvalierist) began a 4-month strike in protest, parents were threatened and scholarship pupils impoverished. Ultimately, the youngsters had to return to class, with no Government concessions in sight.

Whatever the occasion, Duvalier has been able to call on his budget-supported bullies. A free press, guaranteed by the Constitution, has been obliterated. The TTM ransacked and dynamited three newspaper printing plants, and the regime closed down Escale, Le Patriote, and La Phalange, possibly Haiti's best paper. Editors have been jailed or have fled into exile, and one, Augustin Clitandre, of Le Soleil, was arrested 4 years ago and subsequently disappeared.

Though a labor movement came late to Haiti, there were, pre-Duvalier, perhaps 50 well-established unions. "Now there's not one single free union * * * the working class knows the most degrading misery, without power to protest," a prominent labor union president, now exiled, has said. Another president, Dacius Benoit, of the Longshoremen's Union, fled into hiding inside Haiti, but too late; he was arrested and tortured, reportedly drenched with gasoline and set on fire.

Can we really afford to contribute to a budget which allows for such "military" expense? Is this foreign "aid"?

Other budgetary items include agriculture, natural resources, rural development, and rural education—the areas of greatest need—but it is probable that less than 7 percent of the total is slated for all these combined. Legislators supposed to vote the funds have little or no control. In 1960, when the legislature rejected Duvalier's request for full economic powers, they were forced to reconsider, passing the bill as originally presented, after the President had their chamber surrounded with troops. Some budget headings are not liable to question by the lawmakers, and some remain as mysterious missions abroad or presidential journeys, official entertainment, and receptions.

What else has been done with our money so far? The final area of U.S. efforts is that of economic-development assistance, valued at $7,560,000 for 1961. No one could dispute the country's need for such amounts, or maybe even more. Until 1804 Haiti was a French colony, staffed by African slaves, and dubbed Europe's New World economic prize. Suddenly freed, but poorly trained, the ex-slaves destroyed much of what had made their country both agricultural and rich. Once enormous estates boasting sugar, cotton, and indigo were chopped up into unproductive parcels, an instance of land reform gone mad. Trees from once dense forests were consumed as fuel, and floods and soil erosion followed. Simultaneously, the ex-serfs retained old farming methods and have had little occasion since to acquire the new. Today, some families try to survive with less than one-fortieth of an acre of fertile land. Even the major money crop of coffee often grows wild in the mountains and is picked, mere baskets at a time, to be trudged down to the local marketplace.

Much of American economic funds has gone toward development of the Artibonite River Valley, a would-be wonderland which sweeps east to west across central Haiti and might someday feed the whole country. In a concept similar to our TVA, waste and erosion covering 80,000 acres may know irrigation and flood control. A hydroelectric plant there could provide 40,000 kilowatts of power, exactly twice what all Haiti has today. But, though construction began in 1953, the project has still to be finished and, in the words of one pessimist, won't be, "not in our time." Other Haitians maintain that "80 percent of the aid given Haiti by the United States is wasted, some of it the result of mismanagement and the rest of outright corruption." In the case of the Artibonite, cost estimates climbed from an original $6 million on upward, until by 1956 they had reached $32 million. Delay followed delay, and Duvalier followed that.

To date, we have never demanded a firm accounting for all public funds as a condition of budget support and the aid program (not to mention the military mission). Despite hazy Haitian figures, we can estimate that Duvalier dispenses a total annual $34 million—of which the United States contributes about 40 percent, Duvalier refuses to account for about 18 percent, and he misuses a probable 80 percent.

Are there any good reasons for our policy in Haiti? None, militarily, for the United States has no base in Haiti now, and an April offer by Duvalier of a naval base site at Môle St. Nicholas, opposite Cuba, has so far gone without benefit of public U.S. reply. Military sources meanwhile admit that an installation there would at best be a satellite base to Guantanamo, or a very expensive substitute for it. Haiti's army serves no real purpose for us, if internally it simply buoys up a bad President and if externally it would be powerless against invading Cuban or Dominican forces, each now over four times its size. And, in the event of invasion, say from these neighbors, Haiti could quickly plead an "intracontinental conflict," under the OAS 1947 Rio Pact, and call for collective action for her defense.

Politically, there seems no advantage, even if we consider the curious reasoning that if Duvalier is a dictator, he is therefore efficient, and if a right dictator, therefore anti-Communist and friendly to us. This is not a Portuguese strongman who might be credited with a stable economy, or a late Dominican El Benefactor-factotum once hailed for building hospitals, roads, and a new high in literacy. Nor is Duvalier notably anti-Communist; on the contrary. He tolerates small but active Communist cadres in Haiti—though communism in general there appears weak. Not long ago he launched a Haitian trade mission toward the Soviets, via East Germany, or so East German papers reported, and by announcing publicly that, if the United States didn't manage to fill his "needs," he might choose between the "two great poles of attraction." Chances are Duvalier is no Communist himself, but he is no friend, either. Chameleonic, he seems capable of many colors, including blackmail, to maintain his rule.

Moreover, should this rule continue, ruthless and repressive as it is, Duvalier's heavy hand could point the way to a final explosion among Haitians, who in desperation and even in justice might swing violently to a left regime. This is the single greatest threat today.

Other "good" reasons for our policy cannot include the protection of American investments. Our private investments in Haiti now are scattered around principally in sugar, electric power, bananas, sisal, flour, fisheries, and bauxite mining. Their total value at most reaches only perhaps $50 million. One of the biggest ventures, a sugar company selling about half its production to the United States, continues to survive by its own admission only because of the present American quota and our price which averages more than 2 cents a pound above the world rate.

Failing good reasons, we have adopted bad ones for our treatment of Haiti. Fear perhaps is paramount: Washington is afraid of Duvalier's threats of I'll turn East, or I won't support you in the West (presumably in the U.N. and OAS). He used this weapon quite nakedly at the recent OAS Conference at Punta del Este. Americans on the spot seem afraid of future physical violence without the doctor around, as if they couldn't see the omnipresent hooligans and assassins now. Indecision, too, plays a part: we're not sure what to do in Haiti, and meanwhile there are problems of Germany and Berlin, so we'll let it ride. Contradiction covers all. The United States stands opposed to dictators, but, we oppose "intervention," but, only in the negative sense, as in an overt menace, or hindrance, not in the sense of positive help. We insist on each nation's self-determination, but, not if it involves abandoning Duvalier and allowing Haitians to determine themselves. Finally, we can't abandon Duvalier and leave nothing but possible chaos; first a viable political alternative must be found although under such dictatorship no moderate alternative can emerge.

U.S. policy now argues that, if Duvalier should go, a Castro-like catastrophe might take his place. But the Castro type will come, more likely, if Duvalier stays. We complain of no alternative. But we ourselves help discourage the best alternatives there are (or were): the youth and talent of the land.

In 4 years' time, Duvalier has had an estimated 200 opponents killed. Countless others have disappeared, and others rot undefended in jail. Many have raced into hiding, some seek asylum in foreign embassies, and hundreds and hundreds, as they were described to me, are now in exile. These include eminent politicians, businessmen, professional people, even Haiti's best contemporary novelist, all told a varied

group and an able one—in short, an enormous loss. And the President even depletes his own camp—he practices a perpetual purge of his Cabinets, the army command, the TTM, his own political party, and his loyal private secretaries—anything to prevent someone else's perhaps gathering power to become a threat. What is left? Even the political man in the street now walks in fear, for he might be subject to arbitrary arrest and beating, on the whim of a TTM, or accosted by young hoodlums with guns, or denied a passport when he wants to leave.

What is there, then, that we can and cannot reasonably do? Unfortunately, Haiti's problems are not entirely new; her history makes a patchwork of violence and parasitic presidents. Still, Dr. Duvalier seems more disastrous than his forebears, and he is the beneficiary of more U.S. aid—including now our Alliance for Progress funds stripped of specific U.S. control. At the August Punta del Este Alliance Conference, U.S. Treasury Secretary Douglas Dillon signed the 20-nation charter and declaration which pledged more American money, but exacted no firm guarantees from recipient governments as to its use. While the objective is economic and social development, under representative democracy, there will be "no hard and fast line," Secretary Dillon said, in evaluating efforts toward this objective. That is, there will be no insistence on progress, under the Alliance for Progress. "We are not trying in anyway to interfere in or judge the details of the internal operations of individual countries," Mr. Dillon declared.

But surely the time has come when we must interfere and judge—in the case of Haiti, and perhaps others, too. "Intervention" may be a dirty word in the hemisphere, but we are intervening already, in behalf of Duvalier, and might better do so in behalf of his people as a whole. Either that, or withdraw ourselves and our aid completely. Let us, for once, decide to give aid abroad constructively or not at all.

If all U.S. aid to Haiti, both direct and via the Alliance, were ended, Duvalier would surely fall, courtesy of his fellow Haitians. Possibly his head would fall at the same time. And he must realize this. But if we were to threaten an end to all aid, he could make a choice: his own overthrow, perhaps bloody, or his agreement to certain U.S. demands, including, in time, new free elections. Free elections would also mean his ultimate overthrow, but they could be accompanied by a promise of safe conduct out of Haiti. It would seem to be to his interest to choose the latter, and also to request an OAS mission to come and help keep the peace during the balloting while he was still in office.

Hopefully, he might at the same time request a Haitian mission. This would mean the return of Haiti's able citizens now abroad, and the emergence from forced silence and stultification of those at home. It could be the beginning of a healthy Haitian Republic.

Mr. GRUENING. Mr. President, I was very much interested in the remarks made by the distinguished Senator from Illinois on the subject of Haiti. I, too, many years ago, as a newspaper editor, was concerned about the Marine occupation of that little Republic. Our military occupation was sponsored by certain financial interests who wanted to recover their investments. Through editorials and other articles which were published in the Nation, and Current History magazine, I managed to secure a senatorial investigation by a select committee of the Senate. The investigation was headed by the late Senator Medill McCormick, of Illinois, who was accompanied by Senator Tasker L. Oddie, of Nevada, Senator Atlee Pomerene, of Ohio, and Senator Andrieus A. Jones, of New Mexico.

The committee went to Haiti and found there a great deal of abuse. Many Haitians had been killed. But at that time the committee saw fit to recommend no change in the military occupation. We were still in the now fortunately abandoned era of so-called dollar diplomacy supported on occasion by armed intervention into the territories of our smaller neighboring Latin American Republics.

It was not until some years later, in response to a changed view about the unfortunate aspects of our gunboat diplomacy, that our Marines were removed and Haiti was restored to self-government. I was happy to play a part in this policy, not merely by my writings, but as the adviser to the U.S. delegation to the Seventh Inter-American Conference, which under the leadership of Secretary of State Cordell Hull, laid the foundation for the good-neighbor policy for Latin America.

It is true that there have been a succession of governments in Haiti that have not been successful. Still I think Haiti is entitled to much sympathy and help particularly because of its linguistic isolation. It is the one country in the Western Hemisphere which is not joined to the Ibero-American bloc by ties of language and culture. Its language is French. Its people are colored. It is officially a Negro Republic. Its people have inherited a great burden of poverty and distress from their past history. They are a friendly, kindly people.

I believe that Haiti is an instance in which the compassion which we so often associate with the distinguished Senator from Illinois should be exercised. I have not read the article in Commonweal, but I judge from some of the other recent articles I have read that it repeats that there is dictatorship, corruption, and misgovernment in Haiti. But that, after all, is not unknown in other smaller republics to the south of us.

I think Haiti is one of the places where we should exercise the greatest patience and sympathy, and we should see whether, instead of withdrawing our support and adopting a hard-boiled policy, we cannot work with the Haitians and their government, whatever its faults, and restore that country to some semblance of better living, better medical care, more food for its people, and hope for the future.

There is terrible poverty in Haiti. There is malnutrition and disease. Much of it is due to conditions brought about by previous administrations there; and I think this is one case in which we can and should show our good will and our understanding for a distressed people, and aid them as much as possible to help them relieve their distress.

Mr. DOUGLAS. Mr. President, I thank the Senator from Alaska for his comments. For many years he was perhaps the most determined and most enlightened friend of freedom for Haiti in the United States; and his articles and the material he developed inspired a great many of us. In 1927, I took part in an unofficial mission to Haiti; and we profited greatly from his guidance and his information. We recommended that the Marines be withdrawn from Haiti, and gradually that was done in both the latter days of the Hoover administration and the early days of the Roosevelt administration. I think there is no doubt that conditions in Haiti did improve.

I join the Senator from Alaska most heartily in seeking to have a free and independent Haiti. This article calls for that, too. It merely points out that the present President of Haiti is apparently quite a bloody dictator, that he is violating the liberties of the Haitian people, and that our military mission in Haiti seems in a sense to be supporting him. I simply ask that this material be studied.

While I am on my feet, let me say that in the past the Marines have been criticized because they have gone into many of these countries. However, I wish to point out that they go in under orders

I wish to make that clear. They do not take the initiative in these matters. They receive orders from the President and from the Secretary of Defense, and they obey the orders. Therefore, I think they have been subjected to a great deal of improper criticism. I am opposed to dollar diplomacy, and I am opposed to the occupation of these countries by American troops. Perhaps it is a service loyalty which makes me say that I do not think the Marines should be regarded as the initiating factor in these matters, but should be regarded merely as a loyal instrument of the policy of the Government of the United States. If we make the correct policy, the marines will carry it out properly.

Mr. GRUENING. I know that to be the case. Certainly the Marines are merely the servants of our public policy.

I wish to say about President Duvalier, whom I do not know personally, that I have heard much criticism of his regime; but certainly he cannot be as ruthless a dictator and villain as was the late but not lamented dictator of that Republic, Trujillo, who owed his career there to his establishment by our Armed Forces, and enjoyed the continuing support of successive American administrations, and made an alltime record of brutality, bloodthirstiness, and thievery. I am sure that President Duvalier cannot remotely equal that record or the records of past dictators in the past history of Latin America. In any event, I am confident that a wise policy of guidance and aid by the United States would make for improvement. If we are skillful and firm as well as sympathetic in our approach, I believe we can secure betterment of the conditions which are subject to condemnation and criticism.

Mr. DOUGLAS. Certainly that is true. We were once tacitly in support of the dictatorship of Trujillo; but fortunately that policy has been reversed by the present administration. Certainly I hope the former Trujillo administration remains out of power, and that.

to the contrary, democratic governments loyal to free institutions will operate there.

Mr. GRUENING. I hope so too and I thank my friend.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

Mr. THURMOND. Mr. President, on behalf of my colleague, the senior Senator from South Carolina [Mr. JOHNSTON], and myself, I present, for appropriate reference, a concurrent resolution of the Legislature of South Carolina memorializing Congress to propose a constitutional amendment abolishing income, estate, and gift taxes and prohibiting the Federal Government from engaging in any business, professional commercial, financial, or industrial enterprise except as provided in the Federal Constitution.

There being no objection, the concurrent resolution was referred to the Committee on the Judiciary, and, under the rule, ordered to be printed in the RECORD, as follows.

CONCURRENT RESOLUTION OF THE LEGISLATURE OF SOUTH CAROLINA

Concurrent resolution memorializing Congress to propose a constitutional amendment abolishing income, estate, and gift taxes and prohibiting the Federal Government from engaging in any business, professional, commercial, financial, or industrial enterprise except as provided in the Federal Constitution

Be it resolved by the house of representatives (the senate concurring), That the Congress of the United States be memorialized to, without delay, propose to the people an amendment to the U.S. Constitution or to call a convention for the purpose of adding to the Constitution an article to read as follows:

"ARTICLE —

"SECTION 1. The Government of the United States shall not engage in any business, professional, commercial, financial, or industrial enterprise except as specified in the Constitution.

"SEC. 2. The Constitution or laws of any State, or the laws of the United States, shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

"SEC. 3. The activities of the U.S. Government which violate the intent and purposes of this amendment shall, within a period of 3 years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

"SEC. 4. Three years after the ratification of this amendment the 16th article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts."

Be it further resolved, That certified copies of this resolution be forwarded to the Vice President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives and to each member of the South Carolina congressional delegation.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the South Carolina House of Representatives and concurred in by the Senate.

[SEAL] INEZ WATSON,
Clerk of the House.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS

Mr. HAYDEN. Mr. President, in accordance with the Mutual Security Act of 1954, as amended, I ask unanimous consent to have printed in the RECORD the reports of the Committee on Foreign Relations and certain interparliamentary groups and the Committee on Commerce concerning the foreign currencies and U.S. dollars utilized in 1961 in connection with foreign travel.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

Report of expenditure of foreign currencies and appropriated funds by delegation, U.S. Senate, 50th Conference, Interparliamentary Union, Brussels, Belgium, and delegation expenses for House and Senate delegations, expended between Jan. 1 and Dec. 31, 1961

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Albert Gore: Belgium	U.S. dollar		168.84		40.90				20.78		230.52
Gordon Allott: Belgium	do		108.54		199.67		14.00		81.76		403.97
Ernest Gruening: Belgium	do		108.54		95.16		5.00		83.80		292.50
J. J. Hickey: Belgium	do		108.54		147.78		7.50		23.07		286.89
Frank E. Moss: Belgium	do		60.30		74.90		5.00		38.57		178.77
Andrew F. Schoeppel: Belgium [1]	do		60.30		95.40		4.70		32.22		192.62
Dorothy S. Tenenbaum: Belgium	do		63.32		61.04		3.00		7.80		135.16
Frank P. Dunham: [1]											
United Kingdom	do								32.00		32.00
Belgium	do		144.72		188.92		4.00		288.43		626.07
France	do								100.00		100.00
Carl Marcy:											
Belgium	do		63.32		111.40		43.00		91.02		318.74
Do	Belgian franc			4,500	94.50	3,133	64.54	2,000	42.00	9,633	201.04
France	U.S. dollar				47.00				18.00		65.00
Darrell St. Claire:											
United Kingdom	Pound	5/10/6	15.47	18/12/0	52.08	2/5/0	6.30	8/18/8	25.01	35/6/4	[2] 98.86
Belgium	Belgian franc	4,700	95.47	8,145	163.15	1,040	20.80	2,250	44.05	16,135	323.47
France	Franc	328.00	65.82	282.00	50.40	2,763.70	562.90	55.00	19.20	3,428.70	698.32
Delegation expenses: Receptions:											
U.S. Embassy	U.S. dollar				314.53						314.53
Belgium	Belgian franc			15,642	314.50					15,642	314.50
Official luncheons and meals	do			27,660	555.97					27,660	555.97
Do	U.S. dollar				1,229.94						1,229.94
Gratuities:											
Belgium	do								132.67		132.67
Do	Belgium franc							6,500	130.52	6,500	130.52
Supplies, postage, etc.:	U.S. dollar								79.25		79.25
Office rental:											
Belgium	Belgium franc							19,291	387.76	19,291	387.76
Do	U.S. dollar								388.86		388.86
Conference room:											
Belgium	do								73.68		73.68
Do	Belgium franc							3,666	73.68	3,666	73.68
Communications: Belgium	do							17,800	357.82	17,800	357.82
Transportation: Belgium	do					38,467	773.36			38,467	773.36
Do	U.S. dollar						778.63				778.63
Total			1,062.18		3,837.24		2,302.73		2,572.95		9,775.10

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$3,915.30
Appropriated funds:	
Other Public Law 87-264	5,859.80
Government department: Department of Defense	437.00
Total	10,212.10

[1] Deceased.

[2] Plus 20/13/4 pounds ($57.87) returned to the Department of State.

MAR. 12, 1962.

J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.

Report of expenditure of foreign currencies and appropriated funds by delegation, U.S. Senate, to the 7th NATO Parliamentarians Conference, Paris, France, expended between Jan. 1 and Dec. 31, 1961

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Estes Kefauver: France	U.S. dollar		265.71		162.81		2.45		183.27		614.24
B. Everett Jordan: France	do		122.45		179.10		6.40		90.91		398.86
Quentin Burdick:											
France	do		211.18		213.22		13.00		34.92		472.32
United States	do						174.52				174.52
Howard Cannon:											
France	do		244.90		144.22		8.00		27.34		424.46
United States-France	do						672.40				672.40
Lee Metcalf:											
France	do		175.98		49.18						225.16
United States	do						288.20				288.20
Edward V. Long:											
France	do		212.57		274.62		50.00		148.30		685.49
United States	do						135.01				135.01
Hugh Scott: France	do		141.71		124.14				230.42		496.27
Claiborne Pell: France	do		116.47		87.95		18.00		98.64		321.06
Karl E. Mundt:											
France	do		221.43		71.73		70.00		15.88		379.04
United States	do						179.85				179.85
Jacob Javits:											
France	do		148.17		187.76		30.00		91.01		456.94
United States-France	do						980.30				980.30
Jack Miller:											
France	do		176.61		153.46				10.00		340.07
United States	do						170.94				170.94
Clara Buchanan: France	do		79.71		50.37				5.50		135.58
Belle Notkin: France	do		91.10		124.82		30.00		86.37		332.29
Varney Porter: France	do		131.59		42.39		10.00		9.09		[1] 193.07
George Denney: France	do		111.34		166.67		10.00		40.41		[2] 328.42
Don Vaughn: France	do		79.71		145.65		6.00		22.00		253.36
Julian Granger: France	do		79.71		77.76		12.00		123.97		293.44
Conference expense: France	do		32.90		11.89						44.79
Darrell St. Claire: France	do		18.98		17.17		15.00		29.31		80.46
Conference expense:											
Communications, United States	do								37.16		37.16
Office rental, France	do								342.75		342.75
Gratuities, France	do								85.00		85.00
Overtime, Embassy personnel: France	do								742.57		742.57
Meals en route, personnel meals, baggage handling, taxis, and supplies, France	do				475.28		38.00		584.53		[3] 1,097.81
Total			2,662.22		2,760.19		2,920.07		3,039.35		11,381.83

RECAPITULATION

Appropriated funds:	
Other Public Law 87-264	$10,563.41
Department of Defense	818.42
Total	11,381.83

[1] Plus $91 reimbursed U.S. Treasury by personal check.
[2] Plus $25 reimbursed U.S. Treasury by personal check.
[3] $818.42 of total in agency funds.

MAR. 12, 1962.

J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.

Report of expenditure of foreign currencies and appropriated funds by delegation, U.S. Senate, to the meeting of the Commonwealth Parliamentary Association, London, England, expended between Jan. 1 and Dec. 31, 1961

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
J. W. Fulbright, United Kingdom	U.S. dollar		159.02		35.98				6.97		201.97
Delegation expenses:											
United Kingdom	Pound							50-0-0	140.00	50-0-0	140.00
Germany	Deutsche mark					3,711.16	934.80			3,711.16	934.80
Stephen M. Young, United Kingdom	U.S. dollar						517.40				517.40
J. Glenn Beall, United Kingdom	do		57.14		55.36		517.65		6.19		636.34
John G. Tower, United Kingdom	do				12.00		953.28				965.28
Anne M. Piggot:											
United Kingdom	do				53.29		6.71		.68		60.68
Germany	Deutsche mark					3,711.16	934.80			3,711.16	934.80
Seth P. Tillman, United Kingdom	U.S. dollar				114.66		21.85		34.57		171.08
Delegation expenses:											
United Kingdom	Pound	175-1-4	[1] 490.19	38-2-11	106.81	2-9-0	6.86	5-8-5	15.18	221-1-8	619.04
Germany	Deutsche mark					3,711.16	934.80			3,711.16	934.80
Total			706.35		378.10		4,828.15		203.59		6,116.19

[1] Includes office rental.

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$3,563.44
Appropriated funds: S. Res. 168, 87th Cong	2,552.75
Total	6,116.19

J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.

MAR. 9, 1962.

Report of expenditure of foreign currencies and appropriated funds by Senate delegation, Mexican-U.S. Interparliamentary Meeting, Guadalajara and Mexico City, Mexico, expended between Jan. 1 and Dec. 31, 1961

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John Marshall Butler, Mexico	U.S. dollars		60.37		36.30				74.82		171.49
Dennis Chavez, Mexico	do		59.97		43.98				78.36		182.31
Carl T. Curtis, Mexico	do		63.97		48.75				33.74		146.46
Clair Engle, Mexico	do		59.97		38.48				83.56		182.01
Albert Gore, Mexico	do		63.97		57.02				80.22		201.21
Bourke B. Hickenlooper, Mexico	do		24.02		16.01		152.85		57.75		250.63
Ernest Gruening, Mexico	do		63.97		38.99				74.74		177.70
Mike Mansfield, Mexico	do		110.08		49.72				88.71		248.51
Eugene J. McCarthy, Mexico	do		63.97		26.36		171.05		103.41		364.79
Claiborne Pell, Mexico	do		63.97		68.70				114.33		247.00
Andrew F. Schoeppel, Mexico	do		63.97		36.83				72.86		173.66
Joseph Gonzales, Mexico	do		42.35		31.39				76.92		150.66
Mark Trice, Mexico	do		63.97		76.49				81.58		222.04
Pat Holt, Mexico	do		46.36		26.57				24.71		97.64
Delegation expenses, Mexico	do				29.01		13.10		94.48		136.59
Arthur M. Kuhl, Mexico	do		46.36		55.48				50.54		[1] 152.38
Delegation expenses, Mexico	do				91.20		17.40		779.36		887.96
Total			897.27		771.28		354.40		1,970.09		3,993.04

[1] Plus $38.09 reimbursed the U.S. Treasury by personal check for personal expenses.

RECAPITULATION

Appropriated funds: Public Law 86-420 ..... $3,993.04

MAR. 9, 1962.

J. W. FULBRIGHT,
Chairman of Delegation and Committee on Foreign Relations.

Report of expenditure of foreign currencies and appropriated funds by delegation, U.S. Senate, to 5th meeting, Canada-United States Interparliamentary Group, Washington, D.C., and Norfolk, Va., expended between Jan. 1 and Dec. 31, 1961

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Claiborne Pell, United States	Dollar		18.00		4.05				0.75		22.80
George C. Denney, Jr., United States	do		16.00		2.35				.15		18.50
Senate delegation expense	do				46.00						46.00
Milrae E. Jensen, United States	do		14.00		3.65						17.65
Senate delegation expense	do				3.10		4.75				7.85
U.S. group expense	do		87.85						30.00		117.85
Darrell St. Claire, United States	do						9.75		11.00		20.75
Senate delegation expense	do				761.02						761.02
U.S. group expense, United States	do				1,749.02				199.07		1,948.09
Total			48.00		2,657.04		14.50		240.97		2,960.51

RECAPITULATION

Appropriated funds: Public Law 86-42 ..... $2,960.51

MAR. 9, 1962.

J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.

Report of expenditure of foreign currencies and appropriated funds by delegation, U.S. Senate, to 4th meeting, Canada-United States Interparliamentary Group, Ottawa and Quebec City, Canada, expended between Jan. 1 and Dec. 31, 1961

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
George D. Aiken, Canada	U.S. dollars		78.00		8.24				0.85		87.09
Gordon Allott, Canada	do		88.50		14.75				4.55		107.80
J. Caleb Boggs, Canada	do		67.50		14.27				1.55		83.32
Thomas J. Dodd, Canada	do		88.50		50.56				73.70		212.76
Hiram L. Fong, Canada	do		88.50		13.38				2.35		104.23
Vance Hartke, Canada	do		88.50		25.37				3.05		116.92
B. Everett Jordan, Canada	do		88.50		23.36				2.05		113.91
Lee Metcalf, Canada	do		88.50		16.12						104.62
Ralph W. Yarborough, Canada	do		105.00		14.77				9.55		129.32
George C. Denney, Jr., Canada	do		50.25		9.81				2.55		62.61
Francis R. Valeo, Canada	do		78.00		32.25				15.10		125.35
Darrell St. Claire, Canada	do		88.50		28.03		6.00		14.45		[1] 136.98
Senate delegation expense:											
United States	do				5.52		6.00		1.00		12.52
Canada	do		26.25		103.53		14.60		30.05		174.43
U.S. group expense, Canada	do				164.51		7.00		62.93		234.44
Total			1,024.50		524.47		33.60		223.73		1,806.30

[1] $41.06 of this amount reimbursed to the U.S. Treasury by personal check.

RECAPITULATION

Appropriated funds: Public Law 86-42 ..... $1,806.30

MAR. 9, 1962.

J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.

Report of expenditure of foreign currencies and appropriated funds by the Committee on Foreign Relations, U.S. Senate, expended between Jan. 1 and Dec. 31, 1961

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. equivalent or U.S. currency	Foreign currency	U.S. equivalent or U.S. currency	Foreign currency	U.S. equivalent or U.S. currency	Foreign currency	U.S. equivalent or U.S. currency	Foreign currency	U.S. equivalent or U.S. currency
J. W. Fulbright:											
Bermuda	U.S. dollar		95.00		31.00		8.75		5.05		139.80
Brazil	Cruzeiro	17,970	64.00	15,560	53.76	1,120	4.00	4,480	15.00	39,130	136.76
Do	U.S. dollar				36.00				3.00		39.00
Hubert H. Humphrey: Bermuda	do		53.50		30.50		13.75		3.60		101.35
Wayne Morse: Bermuda	do		85.00		41.00		12.25		1.95		140.20
Milrae E. Jensen: Bermuda	do		88.75		37.25		10.50		4.10		140.60
Albert Gore:											
United States, France, Libya, UAR, Ethiopia, Somali Republic, Kenya, Tanganyika, Southern Rhodesia, Northern Rhodesia, the Congo, Congo, Nigeria, Ghana, Liberia, Sierra Leone, Guinea, and Senegal.	do				190.00		24.00		10.00		224.00
Ethiopia	Ethiopian dollar.	37.50	15.00	12.50	5.00					50.00	20.00
Somali Republic	U.S. dollar		5.27								[1] 5.27
Kenya and Tanganyika	East African shilling.	564	80.00	141	20.00			35	5.00	740	105.00
Southern Rhodesia and Northern Rhodesia.	U.S. dollar		50.77		23.59						[1] 74.36
Congo	Franc	970	19.40	110	2.20			108	2.36	1,188	23.96
Nigeria	Pound							4-0-0	11.20	4-0-0	11.20
Ghana	do	5-0-0	14.00					3-0-0	8.40	8-0-0	22.40
Liberia	U.S. dollar		62.50		19.75						[1] 82.25
Sierra Leone	Pound	8-0-0	22.40	1-7-0	3.78	5-0-0	14.00			14-7-0	40.18
Guinea	U.S. dollar		26.07		3.25						[1] 29.32
Senegal	Franc	8,682	35.43							8,682	35.43
Germany	Deutsche mark					4,325.71	1,089.60			4,325.71	1,089.60
Switzerland	Franc			899.20	206.98	151.10	35.39	314	74.91	1,364.30	317.28
Stuart Symington: [2]											
United States, France, Lebanon, Iraq, Iran, Vietnam, India, UAR, Jordan, Israel, Germany.	U.S. dollar				104.00		4.25		2.00		110.25
France	New franc	1,408.00	287.42	686.95	140.19	359.00	73.17	456.50	93.19	2,910.45	593.97
Lebanon	Pound	888.50	294.21	298.70	98.91	135.90	45.00	182.04	60.28	1,505.14	498.40
Iraq	Dinar			5.36	15.01	3.49	9.77	4.82	13.50	13.67	38.28
Iran	Rial			2,584	34.00	1,444	19.00	3,469	45.65	7,497	98.65
Vietnam	Piaster	3,264	44.40	1,470	20.00			367	5.00	5,101	69.40
India	Rupee	629.35	134.00	118.50	25.00			107.15	22.75	855	181.75
Egypt	Pound			10.00	22.50	7.50	16.87	14.50	32.63	32.00	72.00
Israel	Pound	187.40	86.74	48.60	22.50	46.80	21.68	43.20	20.00	326.00	150.92
Germany	Deutsche mark	193.47	48.37	140.00	35.00	100.12	25.03	113.81	28.45	547.40	136.85
Bourke B. Hickenlooper:											
Brazil	U.S. dollar				30.00				3.25		33.25
Do	Cruzeiro			13,800	45.72			10,200	40.00	24,000	85.72
Germany	Deutsche mark					2,004.85	505.00			2,004.85	505.00
Pat Holt:											
Brazil	U.S. dollar				36.00				3.00		39.00
Do	Cruzeiro	22,900	80.41	45,180	160.00			22,100	78.96	90,180	319.37
W. John Newhouse:											
United States, France, Lebanon, Iraq, Iran, Vietnam, India, U.A.R., Jordan, Israel, Germany.	U.S. dollar				104.00		21.45		12.81		138.26
France	New franc	1,073.09	219.01	490.86	100.16	224.00	45.71	344.30	70.21	2,132.25	435.09
Lebanon	Pound	399.45	132.27	394.35	130.58	182.00	60.26	269.00	89.07	1,244.80	412.18
Iraq	Dinar			8.93	25.00			4.11	11.50	13.04	36.50
Iran	Rial	6,886.00	90.60	2,394.00	31.50	570.00	7.50	1,558.00	20.50	11,408.00	150.10
Vietnam	Piaster	3,969	54.00	1,360	18.50	367.00	5.00	679	9.23	6,375	86.73
India	Rupee	306.15	65.00	118.50	25.00	47.10	10.00	60.05	12.75	531.80	112.75
Egypt	Pound	18.72	41.00	4.78	9.63	10.50	23.62	2.50	5.62	35.50	79.86
Jordan	Dinar			1.80	5.04	7.55	7.14	.75	2.10	5.10	14.28
Israel	Pound	135.00	62.50	37.80	17.50	43.20	20.00	54.00	25.00	270.00	125.00
Germany	Deutsche mark	164.75	41.17	137.95	34.49	139.95	35.00	109.95	27.49	552.60	138.15
Carl Marcy:											
Bermuda	U.S. dollar		84.50		41.50		10.55		158.36		294.91
Do	Pound					96-0	270.72	115-6-8	325.26	211-6-8	595.98
United States, France, Libya, UAR, Ethiopia, Somali Republic, Kenya, Tanganyika, Southern Rhodesia, Northern Rhodesia, the Congo, Congo, Nigeria, Ghana, Liberia, Sierra Leone, Guinea, and Senegal.	U.S. dollar				182.00		18.00		8.00		208.00
France	New franc	219.67	44.37	492.00	101.60	102.00	20.81	45.00	8.57	858.67	[3] 175.35
Ethiopia	Ethiopian dollar	37.50	15.00	12.50	5.00			15.00	6.00	65.00	26.00
Somali Republic	U.S. dollar		5.27								[1] 5.27
Kenya and Tanganyika	East African shilling.	508	72.00	141	20.00			49	7.00	698	99.00
Do	U.S. dollar				8.00		137.18				[1] 145.18
Southern Rhodesia and Northern Rhodesia.	do		40.16		17.53		8.00		18.00		[1] 83.69
Congo	Franc			350	7.00			500	10.00	850	17.00
Nigeria	Pound	18-0-0	50.40	5-0-0	14.00	7-0-0	19.60	6-0-0	16.80	36-0-0	100.80
Do	U.S. dollar						4.00		16.00		[1] 20.00
Ghana	Pound	8-0-0	22.40	7-0-0	19.60	94-0-0	[4] 263.20			109-0-0	305.20
	U.S. dollar								16.80		[1] 16.80
Liberia	do		49.49		3.78						[1] 53.27
Sierra Leone	Pound	6-0-0	16.80	3-0-0	8.40			6-0-0	16.80	15-0-0	42.00
Guinea	U.S. dollar		11.45		36.55		12.00		4.00		[1] 64.00
Senegal	Franc	8,683.00	35.43							8,683.00	35.43
Do	U.S. dollar								12.00		[1] 12.00
Darrell St. Claire:											
Belgium	Franc					64,071.00	1,287.83			64,071.00	[5] 1,287.83
Denmark	Krone	145.55	21.18	120.45	17.32			34.00	4.85	300.00	[6] 43.35
Germany	Deutsche mark	165.84	39.65	156.86	38.21	12.60	3.00	63.70	19.14	399.00	100.00
Total			2,906.29		2,514.78		4,222.58		1,527.09		11,170.74

[1] Agency funds.
[2] Repaid U.S. Treasury $500 for personal expenses incurred.
[3] Plus $346.80 returned to State Department in French francs.
[4] Paid in Nigerian pounds.
[5] Repaid U.S. Treasury in redeemable tickets and by personal check.
[6] Repaid U.S. Treasury by personal check.

Report of expenditure of foreign currencies and appropriated funds by the Committee on Foreign Relations, U.S. Senate, expended between Jan. 1 and Dec. 31, 1961—Continued

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$8,970.71
Appropriated funds:	
S. Res. 41, 87th Cong.	1,608.62
Department of Defense	591.41
Total	11,170.74

J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.

MAR. 12, 1962.

Report of expenditure of foreign currencies and appropriated funds by the Committee on Commerce, U.S. Senate, expended between Jan. 1 and Dec. 31, 1961

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Bartlett, E. L.:											
Japan	Yen	69,120	192.00	60,480	168.00			35,800	99.44	165,400	459.44
Japan	Deutsche mark					4,706.00	1,176.50			4,706.00	1,176.50
Subtotal			192.00		168.00		1,176.50		99.44		1,635.94
Butler, John M.: France	New franc	782.58	159.71	898.17	183.30	4,803.81	980.37	399.20	81.47	6,883.77	1,404.85
Cotton, Norris: France	do	802.00	163.40	415.00	84.50	4,985.00	1,015.19	205.00	41.74	6,330.00	1,304.83
Hartke, Vance: Rome	Lira	55,682	91.00	22,259	36.37	152,059	248.46			230,000	375.83
Markel, Daniel B.:											
France	New franc	997.98	203.67	765.53	156.23	5,047.74	1,030.15	475.40	97.02	7,286.65	1,487.07
England	do	163.27	33.32	157.29	32.10	52.04	10.62	12.84	2.62	385.44	78.66
Subtotal			236.99		188.33		1,040.77		99.64		1,565.73
McGee, Gale W.:											
Germany	Deutsche mark	55.86	14.00	67.83	17.00	37.91	9.50	11.97	3.00	173.57	43.50
Spain	Peseta	1,020	17.00	780	13.00					1,800	30.00
Subtotal			31.00		30.00		9.50		3.00		73.50
McHale, Wm. J.:											
Mexico	Peso	190	15.20	231	18.50	103	8.20	204	16.35	728	58.25
Guatemala	do	113	9.00	85	6.80	81	6.50	51	4.10	330	26.40
Panama	do	500	40.00	274	21.95	60	4.80	272	21.78	1,117	88.53
Netherlands West Indies	do	204	16.28	71	5.69			103	8.25	378	30.22
Trinidad	do	226	18.10	156	12.50	141	11.25	107	8.55	630	50.40
Puerto Rico	do	250	20.00	14	1.15			15	1.20	279	22.35
	Deutsche mark					2,433.40	608.35			2,433.40	608.35
Subtotal			118.58		66.59		639.10		60.23		884.50
Scott, Hugh:											
Germany	Deutsche mark	239	60.00	483	121.00	220	55.00	38	9.59	980	245.59
Austria	Schilling	2,754	107.09	4,244	165.00	2,537.85	98.68	4,702	182.80	14,237.85	553.57
Belgium	Franc	4,000	80.00	3,300	66.00	1,250	25.00	1,450	29.00	10,000.00	200.00
United Kingdom	Pound	102	285.00	36	100.00	23	65.00	39	110.00	200	560.00
Subtotal			532.09		452.00		243.68		331.39		1,559.16
Smathers, Geo. A.:											
Mexico	Peso	340	27.22	472	38.20	262	21.00	416	32.50	1,490	118.92
Guatemala	do	125	10.00	161	12.90	81	6.50	106	8.45	473	37.85
Panama	do			146	11.70	113	9.00	110	8.80	369	29.50
Netherlands West Indies	do	470	37.59	249	19.95	76	6.10	178	14.20	973	77.84
	Deutsche mark					2,435.40	608.85			2,435.40	608.85
Subtotal			74.81		82.75		651.45		63.95		872.96
Total			1,599.58		1,291.84		6,005.02		780.86		9,677.30

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$9,677.30

MAR. 26, 1962.

WARREN G. MAGNUSON,
Chairman, Committee on Commerce.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated March 14, 1962, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. HART (for Mr. CARROLL), from the Committee on the Judiciary:

J. Skelly Wright, of Louisiana, to be U.S. circuit judge for the District of Columbia circuit.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STENNIS (for himself, Mr. EASTLAND, and Mr. AIKEN):

S. 3064. A bill to amend section 9 of the act of May 22, 1928, as amended, authorizing and directing a national survey of forest resources; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. STENNIS when he introduced the above bill, which appear under a separate heading.)

By Mr. BUSH:

S. 3065. A bill for the relief of Edward Tingho Tan and his wife, Patricia Kwoling Tan; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 3066. A bill to authorize a study of methods of helping to provide financial assistance to victims of future flood disasters; to the Committee on Banking and Currency.

(See the remarks of Mr. WILLIAMS of New Jersey when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTION

WITHDRAWAL OF SOVIET FORCES FROM LATVIA, LITHUANIA, AND ESTONIA, AND THE HOLDING OF FREE ELECTIONS THEREIN

Mr. MILLER (for himself and Mr. HICKENLOOPER) submitted a concurrent resolution (S. Con. Res. 64), which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. MILLER, which appears under a separate heading.)

NOMINATION OF JUDGE JAMES SKELLY WRIGHT TO THE CIRCUIT COURT OF APPEALS IN THE DISTRICT OF COLUMBIA

Mr. HART. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Colorado [Mr. CARROLL] relating to the nomination of Judge James Skelly Wright to the Circuit Court of Appeals in the District of Columbia.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. CARROLL. Mr. President, I am pleased and honored today to support the nomination of Judge James Skelly Wright to the Circuit Court of Appeals in the District of Columbia.

Judge Wright appeared before a nomination subcommittee of which I was the chairman. It was my honor to hear the testimony of this distinguished jurist.

Judge Wright is a man whose record—over 11 years on the Federal bench in the eastern district of Louisiana—has won the respect and admiration of the legal profession. In fact, he comes to his new position with a "well qualified" rating from the American Bar Association.

His career has been exemplary. As a native Louisianan, he taught in New Orleans after his graduation from Loyola University Law School. He was appointed assistant U.S. attorney in 1935 and served in this position until the war at which time he became a commissioned officer of the Coast Guard.

From 1946 through 1948 Judge Wright practiced law in the District of Columbia—which practice should be of value to him when he takes his seat on the District bench.

In 1948, he was named U.S. attorney in New Orleans, and in 1949 he was appointed to the Federal bench where he has been until now.

Judge Wright showed great courage and much skill in the manner with which he handled several most difficult cases involving the constitutional rights of our Negro citizens.

The lives and safety of his family and himself were several times threatened; and great pressures were brought to bear upon him. All of these he withstood with honor and wisdom.

Judge Wright saw that the law of the land was served; and he did so with quiet good sense.

Mr. President, I am confident Judge Wright will bring his wisdom and skill to the court of appeals; he will continue to serve well the law and his country.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 26, 1962, he presented to the President of the United States the enrolled bill (S. 2533) to amend the requirements for participation in the 1962 feed grain program.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. DIRKSEN:

Transcript of discussion of pending tax bill by Senator VANCE HARTKE and Mr. Clarence Miles on Mutual Broadcasting System program "What's the Issue?" March 11, 1962.

By Mr. WILEY:

Excerpts of radio address by him on tax outlook.

RECESS TO 12 O'CLOCK NOON TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move that under the agreement previously entered into, as modified, the Senate now stand in recess until tomorrow, at 12 o'clock noon.

The motion was agreed to; and (at 6 o'clock and 5 minutes p.m.) the Senate took a recess, under the order previously entered, as modified, until tomorrow, Tuesday, March 27, 1962, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

Greek Independence Day

EXTENSION OF REMARKS

OF

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1962

Mr. MURPHY. Mr. Speaker, on March 25, 1962, Americans of Greek descent celebrated the national holiday of a people who first conceived and advocated the idea of independence, the Greeks. Yet this very same people had the misfortune of being deprived of their independence for more than 2,000 years. For many centuries Greeks suffered under alien rulers and determined to work and fight for their independence, no matter how long it would take. It is surely one of the supreme ironies of Western civilization that the country to which we all owe our cultural origin was not able to enjoy the fruits of freedom, after Greek philosophers had so arduously pointed out the nature of these fruits to mankind.

This is one of the reasons why the rebirth of a free and independent Greece 141 years ago was a memorable occasion, especially for the Greek people, and also for the entire Western World. The Greeks suffered particularly under the Ottoman Empire, when for four centuries they suffered more than ever before in their long and memorable history. The Ottoman Turks never treated the Greeks as citizens, but regarded them simply as mere servants to be exploited. In the fateful year of 1827 the Greek people achieved a glorious victory and set themselves free from the Sultan's bondage. On this 141st anniversary of Greek independence, I am proud to join with my fellow Americans of Greek descent and the entire Western World in congratulating the indomitable Greek people.

The National Lottery of Czechoslovakia

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1962

Mr. FINO. Mr. Speaker, even Czechoslovakia has a national lottery. This is one of the few Communist nations to operate a lottery—most Communist regimes dislike gambling inasmuch as it is yet another manifestation of the human individualism that they are trying to eradicate.

Czechoslovakia's lottery has proved very productive as far as profits are concerned. In 1961, the gross intake was $54,420,000 leaving the government a profit of over $27 million.

The Czechoslovakian government may not like gambling per se—or the individualism that it implies—but it can and does recognize a moneymaking project when it sees one.

Mr. Speaker, we can be just as smart as all of the other countries that accept and capitalize on the human urge to gamble. We can, through a national lottery in the United States bring into the coffers of our Treasury over $10 billion a year in needed additional funds. Only a national lottery can provide us with added moneys to give a tax cut to our hard-pressed taxpayers and start reducing our national debt.

Greek Independence Day

EXTENSION OF REMARKS

OF

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1962

Mr. BURKE of Massachusetts. Mr. Speaker, among peoples that have dominated the course of human history over the milleniums the Greeks hold a dis-